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NEW DELHI, SATURDAY, AUGUST 23, 1986/BHADRA 1, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सार्वजनिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence).

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)

नई दिल्ली, 28 जुलाई, 1986
सूचना

का. प्र. 2905 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण
में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राजत कुमार
घोष, एडवोकेट ने उक्त प्राधिकारी की उक्त नियम के नियम 4 के अधीन
एक आवेदन इस बात के लिए दिया है कि उसे कलकत्ता व्यवसाय करने
के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार
का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में
मेरे पास भेजा जाए।

[सं. 5 (53)/86-न्या.]

आर. एन. पौडार, सक्षम अधिकारी

MINISTRY OF LAW AND JUSTICE
(Department of Legal Affairs)

New Delhi, the 28th July, 1986

NOTICE

S.O. 2905.—Notice is hereby given by the Competent
Authority in pursuance of rule 6 of the Notaries Rules,
1956, that application has been made to the said Authority,
under rule 4 of the said Rules, by Rajat Kumar Ghose, Advo-
cate for appointment as a Notary to practise in Calcutta.

2. Any objection to the appointment of the said person
as a Notary may be submitted in writing to the undersigned
within fourteen days of the publication of this Notice.

[No. F. 5(53)/86-Jud]

R. N. PODDAR, Competent Authority

(Legislative Department)

New Delhi, the 7th August, 1986

CORRIGENDUM

S.O. 2906.—In the last line of the preamble of the Minis-
try of Law and Justice, Legislative Department's Notification
No. S.O. 340(E), dated the 4th June, 1986, published in the
Gazette of India, Extraordinary, Part-II, section 3, sub-section
(ii), dated the 4th June, 1986,—

for the words and figures, "Conduct of Election Rules,
1981" read, "Conduct of Election Rules, 1961".

[No. F. 7(4)/86-Leg. II]

H. C. SUMAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 3 जुलाई, 1986

(आय-कर)

का. प्र. 2907—आयकर अधिनियम, 1961 (1961 का 43) की
धारा 10 के खंड (23ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का

प्रति करते हुए, केन्द्रीय सरकार एतद् द्वारा उक्त धारा के प्रयोजनार्थ, "इदारा दावातुल कुरान बम्बई" को कर-निर्धारण वर्ष 1984-85 से 1986-87 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं. 6789/का सं. 197/15/86-प्र.का (नि.-1)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 3rd July, 1986

(INCOME-TAX)

S.O. 2907.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Idara Dawatul Quran, Bombay" for the purpose of the said section for the period covered by the assessment years 1984-85 to 1986-87.

[No. 6789/F. No. 197/15/86-JT(AI)]

नई दिल्ली, ४ जुलाई, 1986

आयकर

का.प्र. 2908 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद् द्वारा, उक्त धारा के प्रयोजनार्थ, "ग्रीन पार्क फ्री चर्च, नई दिल्ली" को कर-निर्धारण वर्ष 1986-87 से 1988-89 के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं. 6790 (का सं. 197/2/83-प्र.का. (नि.-1)]

के. के. त्रिपाठी, उप-सचिव

New Delhi, the 8th July, 1986

(INCOME-TAX)

S.O. 2908.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Green Park Free Church, New Delhi" for the purpose of the said section for the assessment years 1986-87 to 1988-89.

[No. 6790/F. No. 197/2/83-JT(AI)]

K. K. TRIPATHI, Dy. Secy.

(आयिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 5 अगस्त, 1986

का. प्र. 2909.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय रिजर्व बैंक की सिफारिश पर केन्द्रीय सरकार एतद् द्वारा यह घोषणा करती है कि बैंककारी विनियमन (सहकारी समितियों) नियमावली, 1966 के नियम 10 के साथ पठित बैंककारी विनियमन अधिनियम, 1949 (जैसा कि सहकारी समितियों पर लागू है) की धारा 31 के उपबंध उस सीमा तक प्रोग्रेसिव को-ऑपरेटिव बैंक लिमिटेड, बंबई पर लागू नहीं होंगे जहाँ तक उनका संबंध दिनांक 30 जून, 1985 को समाप्त वर्ष के लिए उसके तुलन-पत्र और लाभ-हानि लेखे तथा उस पर लेखा परीक्षकों की रिपोर्ट के समाचार पत्र में प्रकाशित होने से है।

[संख्या 8-2/86-ए. सी.]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 5th August, 1986

S.O. 2909.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act,

1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the Banking Regulation Act, 1949 (As applicable to Co-operative Societies) read with Rule 10 of the Banking Regulation (Co-operative Societies) Rules 1966, shall not apply to the progressive Co-operative Bank Ltd., Bombay so far as they relate to the publication of its balance sheet and profit and loss account for the year ended 30 June, 1985 together with the auditor's report in a newspaper

[No. 8-2/86-AC]

का. प्र. 2910.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक की सिफारिश पर केन्द्रीय सरकार एतद् द्वारा यह घोषणा करती है कि बैंककारी विनियमन (सहकारी समितियों) नियमावली, 1966 के नियम 10 के साथ पठित बैंककारी विनियमन अधिनियम, 1949 (जैसा कि सहकारी समितियों पर लागू है) की धारा 31 के उपबंध उस सीमा तक समता सहकारी बैंक लिमिटेड, बंबई पर लागू नहीं होंगे जहाँ तक उनका संबंध दिनांक 30 जून, 1985 को समाप्त वर्ष के लिए उसके तुलन-पत्र और लाभ-हानि लेखे तथा उस पर लेखा परीक्षकों की रिपोर्ट के समाचार पत्र में प्रकाशित होने से है।

[संख्या 8-2/86-ए. सी.]

के. पी. पाण्डियन, अवर सचिव

S.O. 2910.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the Banking Regulation Act, 1949 (As applicable to Co-operative Societies) read with Rule 10 of the Banking Regulation (Co-operative Societies) Rules, 1966 shall not apply to the Samata Sahakari Bank Ltd. Bombay so far as they relate to the publication of its balance sheet and profit and loss account for the year ended 30 June, 1985 together with the auditor's report in a newspaper.

[No. 8-2/86-AC]

K. P. PANDIAN, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 25 जून, 1986

(आयकर)

का. प्र. 2911.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एतद् द्वारा निदेश देता है कि नीचे दी गई अनुसूची के स्तम्भ (2) में विनिर्दिष्ट राज्यों के अपीलीय गणायक आयकर आयुक्त स्तम्भ 3 की तत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर परिमण्डलों, वाहनों और जिलों में आयकर अथवा अधिकार से निर्धारित उन सभी व्यक्तियों और आय के संबंध में अपने कार्य का निर्वहन करेंगे :

अनुसूची

क्र.सं.	राज्य	आयकर परिमण्डल/वाह/जिला
1.	देहरादून राज्य, देहरादून	देहरादून, आधिकार, सहारनपुर, हरिद्वार, रुड़की, एम. नगर और शामली में स्थित सभी आयकर परिमण्डल।
2.	गजियाबाद राज्य, गजियाबाद	गजियाबाद, हापुड़, बुलन्दशहर और मेरठ में स्थित सभी आयकर परिमण्डल।

यतः कोई आयकर परिमण्डल/वार्ड अथवा जिले अथवा उसका कोई भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज में अंतरित कर दिया जाता है, उस परिमण्डल/वार्ड अथवा जिले अथवा उसके किसी भाग में किए गए कर-निर्धारणों से उत्पन्न होने वाली अपीलें इस अधिसूचना की तारीख से तत्काल पूर्व रेंज के उस अपीलीय सहायक आयकर आयुक्त के समक्ष विचारार्थीन गड़ी अपीलों जिसके अधिकार-क्षेत्र से उस आयकर परिमण्डल, वार्ड अथवा जिले अथवा उसके किसी भाग को अंतरित किया गया हो, रेंज के उस अपीलीय सहायक आयकर आयुक्त द्वारा निपटाई जाएंगी जिसको उक्त परिमण्डल/वार्ड अथवा जिले अथवा उसका कोई भाग अंतरित किया गया है।

यह अधिसूचना 1-7-1986 से लागू होगी।

[सं. 6774 (फाइल सं. 261/16/86-आई. टी. जे.)]

CENTRAL BOARD OF DIRECT TAXES
New Delhi, the 25th June, 1986

(INCOME TAX)

S.O. 2911.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and all other powers enabling it in that behalf and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Asstt. Commissioners of Income-tax of the ranges specified in Col. 2 of the Schedule below shall perform their functions in respect of all persons and income assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in Col. 3.

SCHEDULE

Sl. No.	Range	Income-tax Circle/Ward/District
1.	Dehradun Range, Dehradun.	All Income-tax Circles located at Dehradun, Rishikesh, Saharanpur, Haridwar, Roorkee, M. Nagar and Shamli.
2.	Ghaziabad Range, Ghaziabad.	All Income-tax Circles located at Ghaziabad, Hapur, Bulandshahar and Meerut.

Whereas an income-tax circle/ward or districts or part thereof stands transferred by this notification from one range to another range, appeals arising out of assessments made in the Income-tax Circles/Wards or Districts of this notification before the Appellate Asstt. Commissioner of Income-tax from whom that income-tax Circle, Ward, or districts or part thereof is transferred to and dealt with by the Appellate Assistant Commissioner of Income-tax of the range to whom the said circle/ward or districts or part thereof is transferred to.

This notification shall take effect from 1-7-1986.

[No. 6774 (F. No. 261/16/86-ITJ)]

का. धा. 2911.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और इस संबंध में दिनांक 20-7-1985 की पूर्ववर्ती अधिसूचना सं. 6345 (फा. सं. 261/2/85-आ. क. न्या.) तथा दिनांक 16-10-1985 की अधि. सं. 6462 (फा. सं. 261/2/85-आ. क. न्या.) का अधिसूचना करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड, एतद्वारा, निदेश देता है कि इस अनुसूची के स्तम्भ (2) में विनिर्दिष्ट रेंजों के अपीलीय सहायक आयकर आयुक्त, आयकर से निर्धारित उन सभी व्यक्तियों और आय को छोड़कर, जिन पर क्षेत्राधिकार आयकर आयुक्त (अपील) में निहित है, अनुसूची के स्तम्भ 3 की तत्संबंधी प्रविष्टि में विनिर्दिष्ट आयकर परिमण्डलों, वार्डों अथवा जिलों में आयकर से निर्धारित सभी व्यक्तियों तथा आय के संबंध में अपने कार्य करेंगे :—

अनुसूची

क्र. सं.	रेंज	आयकर परिमण्डल/वार्ड एवं जिला
1	2	3
1.	इलाहाबाद रेंज "क" इलाहाबाद	(1) क एवं ख वार्ड, एस. आई. सी. इलाहाबाद। (2) क, ख एवं ग वार्ड, इलाहाबाद परिमण्डल इलाहाबाद। (3) केन्द्रीय परिमण्डल, इलाहाबाद। (4) फतेहपुर एवं (5) प्रतापगढ़।
2.	इलाहाबाद रेंज "ख" इलाहाबाद।	(1) घ, ङ एवं च. वार्ड, इलाहाबाद परिमण्डल, इलाहाबाद। (2) क एवं ख वार्ड, फैजाबाद। (3) मुल्तानपुर।
3.	वाराणसी रेंज "क"	(1) क एवं ख वार्ड, एस. आई. सी. वाराणसी। (2) क, ख एवं ग वार्ड, वाराणसी परिमण्डल, वाराणसी। (3) क एवं ख वार्ड, मिर्जापुर। (4) केन्द्रीय परिमण्डल, वाराणसी।
4.	वाराणसी रेंज "ख" वाराणसी।	(1) घ, ङ, च, छ एवं ज वार्ड, वाराणसी। (2) गाजीपुर। (3) जौनपुर। (4) भादोही।
5.	गोरखपुर रेंज।	(1) क, ख, ग, घ, ङ एवं च वार्ड, गोरखपुर। (2) एस. आई. सी., गोरखपुर। (3) केन्द्रीय परिमण्डल, गोरखपुर। (4) देवरिया (5) बस्ती। (6) बहराइच (7) गोंडा। (8) मऊनाथ भंजन। (9) आजमगढ़। (10) बलिया।

2. यतः कोई आयकर परिमण्डल, वार्ड एवं जिला अथवा उसका कोई भाग इस अधिसूचना द्वारा एक रेंज से किसी अन्य रेंज में अंतरित कर दिया जाता है, उस आयकर परिमण्डल, वार्ड अथवा जिले अथवा उसके किसी भाग में किए गए कर-निर्धारणों से उत्पन्न होने वाली और इस अधिसूचना की तारीख से तत्काल पूर्व—रेंज के उस अपीलीय सहायक आयकर आयुक्त अधिकार-क्षेत्र से उस आयकर परिमण्डल, वार्ड अथवा जिला अथवा उसका कोई भाग अंतरित किया गया हो, रेंज के उस अपीलीय सहायक आयकर आयुक्त द्वारा निपटायी जाएंगी जिसको उक्त परिमण्डल, वार्ड अथवा जिला अथवा उसका कोई भाग अंतरित किया गया हो।

3. जहां किसी स्थान विशेष पर स्थित मुक्यालयों वाले सभी परिमण्डल, वार्ड और जिले एक अपीलीय सहायक आयुक्त को सौंप दिए गए हैं, वहां उसका उन मुक्यालयों में स्थित परिमण्डलों, वार्डों और जिलों के संबंध में भी क्षेत्राधिकार होगा, जिन्हें समाप्त कर दिया गया है।

4. यह अधिसूचना 1-7-1986 से लागू होगी।

[सं. 6775 (फा. सं. 261/6/86-आ. क. न्या.)]

S.O. 2912.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of the previous Notification No. 6345 (F. No. 261/2/85-ITJ) dated 26-7-1985 and No. 6462 (F. No. 261/2/85-ITJ) dated 16-10-1985 in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of the ranges specified in column 2 of this Schedule below shall perform their functions in respect of all persons and income assessed to income-tax in the Income-tax Circles, Wards or Districts specified in the corresponding entry in column 3 thereof excluding all persons and incomes assessed to income-tax over which the jurisdiction rests in Commissioners of Income-tax (Appeals).

SCHEDULE

S. Range No.	Income-tax Circle/Ward & District
1	2
1. Allahabad Range 'A' Allahabad.	(i) A&B Wards, SIC, Allahabad. (ii) A, B&C Ward, Allahabad Circle, Allahabad. (iii) Central Circle, Allahabad. (iv) Fatehpur & (v) Pratapgarh.
2. Allahabad Range 'B' Allahabad.	(i) D, E&F Wards, Allahabad Circle, Allahabad. (ii) A & B Wards, Faizabad. (iii) Sultanpur.
3. Varanasi Range 'A'	(i) A&B Wards, SIC, Varanasi. (ii) A, B&C Wards, Varanasi Circle, Varanasi. (iii) A & B Wards, Mirzapur. (iv) Central Circle, Varanasi.
4. Varanasi Range 'B' Varanasi	(i) D,E,F,G&H Wards, Varanasi (ii) Ghazipur. (iii) Jaunpur (iv) Bhadoshi.
5. Gorakhpur Range.	(i) A,B,C,D, E & F Wards, Gorakhpur. (ii) S.I.C. Gorakhpur. (iii) Central Circle, Gorakhpur. (iv) Deoria. (v) Basti. (vi) Bahraich. (vii) Gonda. (viii) Maunath Bhanian. (ix) Azamgarh. (x) Ballia.

2. Whereas an Income-tax Circle, Ward and District or part thereof stands transferred by this Notification from one range to another range, appeals arising out of assessment made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Income-tax from that Income-tax Circle, Ward or District or part thereof is transferred shall from the date of this notification takes effect be transferred to and dealt with by the Appellate Assistant Commissioner of Income-tax of the range to which the said Circle, Ward or District or part thereof is transferred.

3. Where all circles, wards or Districts having headquarters at a particular place have been assigned to an Appellate Asstt. Commissioner he will have jurisdiction in respect of Circles, Wards and Districts at these headquarters since abolished also.

4. This notification shall take effect from 1-7-1986.

[No. 6775(F. No. 261/6/86-ITJ)]

आयकर

का.आ. 2913.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का तथा इस विषय में इसे सक्षम बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए और इस संबंध में सभी पूर्ववर्ती अधिसूचनाओं का अखिलक्षण करते हुए केन्द्रीय प्रत्यक्ष कर

बोर्ड एतद्वारा निदेश देता है कि अपीलीय सहायक आयकर आयुक्त, कोल्हापुर; आयकर से निर्धारित सभी व्यक्तियों तथा आय के संबंध में सभी आयकर परिमण्डलों, बागों एवं जिलों में चिन पर क्षेत्राधिकार आयकर आयुक्त, कोल्हापुर में निहित है, कार्य करेगा।

यह अधिसूचना 1-7-1986 से लागू होगी।

[सं. 6777(का. सं. 261/17/86-आ. क. आ.)]

सुरेन्द्र पाल, धनर सचिव

(INCOME-TAX)

S.O. 2913.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and all other powers enabling it in this behalf and in supersession of all previous notification in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioner of Income-tax, Kolhapur shall perform his functions in respect of all persons and incomes assessed to Income-tax in all the Income-tax Circles, Wards and District under the jurisdiction of the Commissioner of Income-tax, Kolhapur.

This notification shall take effect from 1-7-1986.

[No. 6777 (F. No. 261/17/86-ITJ)]

SURENDER PAUL, Under Secy.

कार्यालय समाहर्ता केन्द्रीय उत्पाद शुल्क

इन्दौर, 1 जुलाई, 1986

अधिसूचना संख्या 6/86

का. आ. 2914.—मध्यप्रदेश समाहर्तालय इन्दौर से निम्नलिखित अधीक्षक केन्द्रीय उत्पाद शुल्क समूह 'ख' उनके नाम के आगे बगर्दि गई तिथियों की शासकीय सेवा से स्वैच्छिक सेवा निवृत्त हुए।

क्र. सं.	नाम	तिथि
1.	श्री. आर. येडेकर	30-6-86 (अपरान्ह)
2.	एम. टी. जनवदे	30-6-86 (अपरान्ह)

[पा. सं. II(3) 2—गोप/86/322 I]

CENTRAL EXCISE COLLECTORATE : M.P.

Indore, the 1st July, 1986

NOTIFICATION No. 6/86

S.O. 2914.—The following Superintendents of Central Excise Group 'B' of Central Excise Collectorate Indore have voluntarily retired from Government service on the dates as shown against each :

S. No.	Name of the Officer	Date
	S/Shri	
1.	V. R. Bedekar	30-6-86 (AN)
2.	M. T. Janawade	30-6-86 (AN)

[C. No. II(3)2-Con/86/322 I]

इन्दौर, 1 अगस्त, 1986

अधिसूचना सं. 8/86

का. आ. 2915.—मध्यप्रदेश समाहर्तालय इन्दौर के निम्नलिखित अधीक्षक केन्द्रीय उत्पाद शुल्क समूह 'ख' निवृत्ति की प्राप्ति करने पर उनके नाम के आगे बगर्दि गई तिथियों की शासकीय सेवा से सेवानिवृत्त हुए।

क्र. सं.	नाम	तिथि
	सर्वश्री	
1.	श्री. सी. सिधई	31-5-86 (अपरान्ह)
2.	एस. पी. शुक्ला	31-5-86 (अपरान्ह)
3.	पी. टी. धामस	31-5-86 (अपरान्ह)
4.	श्री. एम. हरीदास	30-6-86 (अपरान्ह)
5.	शेख अब्दुल	30-6-86 (अपरान्ह)
6.	क. पी. श्रीवास्तव	30-6-86 (अपरान्ह)

[पा सं. II(3) 2—गोप/86/3947]

एस. श्री. रामदुष्णन, समाहर्ता

Indore, the 1st August, 1986

NOTIFICATION No. 8/86

S.O. 2915.—The following Superintendents of Central Excise Group 'B' of Central Excise Collectorate, Indore having

attained the age of Superannuation retired from Government service on the dates as shown against each :

S.No.	Name of the officer	Date
	S/Shri	
1.	G.C. Singhai	31-5-1986 (AN)
2.	S.P. Shukla	31-5-1986 (AN)
3.	P.T. Thomas	31-5-1986 (AN)
4.	V.M. Haridas	30-6-1986 (AN)
5.	Sheikh Abdul	30-6-1986 (AN)
6.	K.P. Shrivastava	30-6-1986 (AN)

[C. No. II (3)2-Con/86/3947]
S. V. RAMAKRISHNAN, Collector

वाणिज्य मंत्रालय

नई दिल्ली, 23 अगस्त, 1986

आदेश

क्र. आ. 2916 :—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार की परिषद् से परामर्श करने के पश्चात् यह राय है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक और समीचीन है कि नमक काचित पत्थर की पाइप और फिटिंग्स का निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण किया जाए;

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए निम्नलिखित प्रस्ताव बनाए हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप नियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद् को भेज दिया है;

अब, तक, उक्त उपनियम के अनुसरण में, केन्द्रीय सरकार उक्त में प्रस्तावों को इस निदेश के साथ प्रकाशित करती है कि कोई आक्षेप या सुझाव यदि कोई व्यक्ति उक्त प्रस्तावों पर देता है तो इस आदेश के राजस्व में प्रकाशन की तारीख से पैंतालीस दिनों के भीतर परिषद् को परिषद् के कार्यालय निर्यात निरीक्षण परिषद्, 11वीं मंजिल, प्रगति तावर, 26, राजेन्द्र प्लेस, नई दिल्ली-110008 को भेजा जा सकता है।

प्रस्ताव

1. (1) अधिसूचित करना कि नमक काचित पत्थर की पाइप और फिटिंग्स के निर्यात से पूर्व निरीक्षण के अधीन होंगे;

(2) (क) राष्ट्रीय और अन्तर्राष्ट्रीय मानकों तथा निर्यात निरीक्षण परिषद् द्वारा मान्यता प्राप्त अन्य निकायों के मानकों को,

(ख) निर्यातकर्ता और विदेशी क्रेता के बीच संविदात्मक विनिर्देशों को, नमक काचित पत्थर की पाइप और फिटिंग्स के लिए मानक विनिर्देशों के रूप में मान्यता देना, परन्तु यह जब तक कि ये उपरोक्त (क) के नीचे नहीं हैं;

टिप्पण : पाइप की विमाएं जो उपरोक्त (क) के अन्तर्गत नहीं आती हैं, वे संगत राष्ट्रीय मानकों में दी गई सह्यताओं सहित संविदात्मक विनिर्देशों के अनुसार होंगी।

(3) इस आदेश के उपाबंध-I में दिए गए नमक काचित पत्थर की पाइप और फिटिंग्स के निर्यात (निर्यात) नियम, 1986 के प्रावधानों के अनुसार निरीक्षण के प्रकार को निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करना जो कि ऐसे नमक काचित पत्थर की पाइप और फिटिंग्स पर लागू होगा।

(4) अन्तर्राष्ट्रीय व्यापार के दौरान ऐसे नमक काचित पत्थर की पाइप और फिटिंग्स के निर्यात को तब तक प्रतिषिद्ध करना जब तक कि उसके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्थापित निर्यात निरीक्षण अधिकरणों में से किसी के द्वारा जारी किया गया

इस आशय का प्रमाण-पत्र न हो कि नमक काचित पत्थर की पाइप और फिटिंग्स उक्त मानक विनिर्देशों के अनुरूप हैं या उस पर अधिनियम की धारा 8 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त शील या चिह्न लगाया गया है।

2. इस आदेश की कोई भी बात भाषी-क्रेताओं को भूमि, समुद्र या वायु मार्ग द्वारा नमक काचित पत्थर की पाइप और फिटिंग्स के वास्तविक नमूनों के निर्यात को लागू नहीं होगी, परन्तु यह तब जब कि पोत-पर्यन्त निःशुल्क मूल्य दो सौ पचास रुपये (250) रुपये से अधिक नहीं है।

3. इस आदेश में, "नमक काचित पत्थर की पाइप और फिटिंग्स" से दोनों : (क) रासायनिक रूप से प्रतिरोधी नमक काचित पत्थर की पाइप और फिटिंग्स और (ख) सामान्य जल निकास के लिए नमक काचित पत्थर की पाइप और फिटिंग्स अभिप्रेत हैं। पाइप और फिटिंग्स की आन्तरिक और बाह्य सतह जो जोड़ने के बाद अनावृत रह जाती है चमकदार होगी। जो भाग जोड़ने के बाद अनावृत हो जाता है वह चमकदार भी हो सकते हैं या नहीं भी हो सकते हैं। जलाने की प्रक्रिया के दौरान पाइप और फिटिंग्स की सामग्री पर साधारण नमक के वाष्पीकरण द्वारा चमक प्राप्त की जा सकती है।

उपाबंध—I

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) के अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने वाले प्रस्तावित नियमों का प्रावधान

1. संक्षिप्त नाम—इन नियमों का संक्षिप्त नाम नमक काचित पत्थर की पाइप और फिटिंग्स का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1986 है।

2. परिभाषाएं—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हों—

(क) "अधिनियम" से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है।

(ख) "अधिकरण" से अधिनियम की धारा 7 के अधीन स्थापित निर्यात निरीक्षण अधिकरण अभिप्रेत है;

(ग) "परिषद्" से अधिनियम की धारा 3 के अधीन स्थापित निर्यात निरीक्षण परिषद् अभिप्रेत है।

(घ) "नमक काचित पत्थर पाइप और फिटिंग्स" से दोनों : (क) रासायनिक रूप से प्रतिरोधी नमक काचित पत्थर पाइप और फिटिंग्स, और (ख) सामान्य जल निकास के प्रयोजन के लिए नमक काचित पत्थर पाइप और फिटिंग्स अभिप्रेत हैं। पाइप और फिटिंग्स की आन्तरिक और बाह्य सतह जो जोड़ने के उपरान्त अनावृत रह जाती है चमकदार होगी, जोड़ने के बाद अनावृत भाग चमकदार हो भी सकते हैं या नहीं भी हो सकते हैं जलाने की प्रक्रिया के दौरान पाइप और फिटिंग्स की सामग्री पर साधारण नमक के वाष्पीकरण द्वारा चमक प्राप्त की जा सकती है।

(ङ) "अनुसूची" से इन नियमों से संलग्न अनुसूची अभिप्रेत है।

3. निरीक्षण का आधार :—नमक काचित पत्थर की पाइप और फिटिंग्स का निरीक्षण यह सुनिश्चित करने के लिए किया जाएगा कि उसकी क्वालिटी अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यताप्राप्त मानक विनिर्देशों के अनुरूप होगी।

4. निरीक्षण की प्रक्रिया :—(1) नमक काचित पत्थर की पाइप और फिटिंग्स का निर्यात करने का इच्छुक निर्यातकर्ता अपने ऐसा करने के आशय की सूचना लिखित रूप से संबंधित अधिकरण को देगा और ऐसी सूचना के साथ निर्यात संविदा या आदेश की एक प्रति अधिकरण के निकटतम कार्यालय को देगा ताकि वह नियम तीन के अनुसार निरीक्षण कर सके।

(2) उपनियम (2) के अधीन प्रत्येक सूचना लवान की प्रत्याशित तारीख से कम से कम सात दिन पहले दी जाएगी।

(3) उपनियम (2) के अधीन सूचना प्राप्ति होने पर, अभिकरण नियम 3 और परिषद् द्वारा इस संबंध में समय-समय पर जारी किए अनुदेशों के अनुसार नमक काचिन पत्थर की पाइप और फिटिंग्स का निरीक्षण करेगा।

(4) निरीक्षण की समाप्ति के पश्चात् यदि अभिकरण का समाधान हो जाता है कि नमक काचिन पत्थर की पाइप और फिटिंग्स का निर्यात किए जाने वाला परेषण नियम 3 की अपेक्षाओं के अनुरूप है तो वह उपनियम (2) के अधीन सूचना प्राप्त होने के सात दिन के भीतर परेषण को निर्यात योग्य घोषित करने हुए, निर्यातकर्ता को प्रमाण-पत्र जारी कर देगा;

परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं होता है, वहाँ उक्त सात दिनों की अवधि के भीतर ऐसा प्रमाण-पत्र जारी करने से इंकार कर देगा और ऐसे इंकार की सूचना उसके कारणों सहित निर्यातकर्ता को दे देगा।

5. निरीक्षण का स्थान : इस नियमों के अधीन प्रत्येक निरीक्षण या तो विनिर्माता के परिसर पर किया जाएगा या उस परिसर पर किया जाएगा जहाँ निर्यातकर्ता द्वारा माल प्रस्तुत किया जाता है परन्तु यह तब जब कि वहाँ पर निरीक्षण करने को पर्याप्त सुविधाएं विद्यमान हों।

6. निरीक्षण फीस : प्रत्येक परेषण के लिए न्यूनतम बीस रुपए के अधीन रहते हुए, ऐसे प्रत्येक परेषण के पोटपयान्तः निःशुल्क भूम्य के प्रत्येक एक सी रुपए के लिए बालीस पैसे की दर से फीस "निरीक्षण फीस" के रूप में दी जाएगी।

7. अपील :—(1) नियम 4 के उपनियम (4) के अधीन अभिकरण द्वारा प्रमाण-पत्र देने से इंकार किए जाने से व्यक्त कोई व्यक्ति ऐसे इंकार की सूचना प्राप्त होने के दस दिन के भीतर केन्द्रीय सरकार द्वारा, इस प्रयोजनार्थ नियुक्त कम से कम तीन तथा सात से अधिक व्यक्तियों के विशेषज्ञों के पैनल को अपील कर सकेगा।

(2) पैनल के कुल सदस्यों में से कम से कम दो तिहाई गैर सरकारी सदस्य होंगे।

(3) पैनल की गणपूर्ति तीन से होगी।

(4) अपील प्राप्त होने के पंद्रह दिनों के भीतर निपटा दी जाएगी।

अनुसूची

1. नमूना लेने के तथा अनुकूलता के लिए मानक निर्यात संविदा में विशेष अनुबंधों को प्रत्यक्षित होने पर, नमूना लेने और अनुकूलता के मानक संगत भारतीय मानक विनिर्देशों में अर्थात् भा. मा. 651-1980 तथा/या भा. मा. 3006-1979 में यथा अधिस्थित समय-समय पर यथा संशोधित लागू होंगे।

2. परीक्षण की प्रणाली—यदि जांच की प्रक्रिया निर्यात संविदा में विनिर्दिष्ट न हो तो वह राष्ट्रीय मानक के अनुसार होगी।

[फाईल सं. 6(13)/80-ईआई एण्ड ईपी]

MINISTRY OF COMMERCE

New Delhi, the 23rd August, 1986

ORDER

S.O. 2916.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Council, is of opinion that it is necessary and expedient so to do for the development of the export trade of India that salt glazed stoneware pipes and fittings should be subject to inspection prior to export;

And whereas, the Central Government has formulated the proposals mentioned below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals with the direction that any objections or suggestions which any person may like to offer on the said proposals may be sent to the Council within forty-five days of the date of publication of this Order to the office of the Council at Export Inspection Council of India, 11th floor, Pragati Tower, 25, Rajendra Place, New Delhi-110008.

PROPOSALS

1. (1) To notify that salt glazed stoneware pipe and fittings shall be subject to Inspection prior to export;

(2) To recognise :—

(a) National and International Standards and Standards of other bodies recognised by the Export Inspection Council;

(b) Contractual specifications between the foreign buyer and the exporter, provided the same are not below (a) above; as the standard specifications for salt glazed stoneware pipes and fittings.

Note.—The dimensions of the pipes which do not fall under (a) above, the same shall be as per contractual specifications with tolerances as given in the relevant national standards.

(3) To specify the type of inspection in accordance with Export of Salt-Glazed Stoneware Pipes and Fittings (Inspection) Rules, 1986, set out in Annexure-I to this Order, as the type of inspection which would be applied to such salt-glazed stoneware pipes and fittings;

(4) To prohibit the export in the course of international trade of such salt-glazed stoneware pipes and fittings unless the same is accompanied by a certificate, issued by any of the Export Inspection Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the salt glazed stoneware pipes and fittings conform to the aforesaid standard specifications or is affixed with a seal or mark recognised by the Central Government under section 8 of the Act.

2. Nothing in this order shall apply to the export by land, sea or air of bonafide samples of salt-glazed stoneware pipes and fittings to the prospective buyers, provided the free on board (FOB) value of the consignment does not exceed rupees two hundred and fifty.

3. In this Order "Salt Glazed Stoneware Pipes and Fittings" shall mean both: (a) chemically resistant salt-glazed stoneware pipes and fittings, and (b) normal drainage purpose salt glazed stoneware pipes and fittings. The interior and the exterior surfaces of the pipes and fittings, which remain exposed after jointing shall be glazed. The portion which remains covered after jointing may or may not be glazed. The glazing shall be obtained by the action of the fumes and volatilized common salt on the material of the pipes and fittings during the process of burning.

ANNEXURE-I

[Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).]

1. Short title.—These rules may be called the Export of Salt Glazed Stoneware Pipes and Fittings (Inspection) Rules, 1986.

2. Definitions.—In these rules unless the context otherwise requires,—

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "Agency" means the Export Inspection Agency established under section 7 of the Act;

(c) "Council" means Export Inspection Council established under section 3 of the Act.

(d) "Salt Glazed Stoneware Pipes and Fittings" shall mean both (a) Chemically resistant salt glazed stoneware pipes and fittings and (b) normal drainage purpose salt glazed stoneware pipes and fittings. The interior and the exterior surfaces of the pipes and fittings which remain exposed after jointing shall be glazed. The portions which remain covered after jointing may or may not be glazed. The glazing shall be obtained by the action of the fumes of volatilized common salt on the material of the pipes and fitting during the process of burning.

(e) "Schedule" means the schedule appended to these rules.

3. Basis of Inspection.—Inspection of salt glazed stoneware pipes and fittings shall be carried out with a view to ensuring that the quality of the same conforms to the standard specifications recognised by the Central Government under section 6 of the Act.

4. Procedure of Inspection.—(1) The exporter intending to export salt glazed stoneware pipes and fittings shall give intimation in writing of his intention so to do to the concerned Agency and submit alongwith such intimation a copy of export contract or order to the nearest office of the Agency to enable it to carry out the inspection in accordance with rule 3.

(2) Every intimation under sub-rule (1) shall be given not less than seven days before the expected date of shipment.

(3) On receipt of the intimation under sub-rule (2), the Agency shall carry out the inspection in accordance with rule 3, and instructions issued by the Council from time to time.

(4) If after the inspection, the Agency is satisfied that the consignment of salt glazed stoneware pipes and fittings to be exported complies with the requirements of rule 3, it shall within seven days of the receipt of the intimation under sub-rule (2) issue a certificate to the exporter declaring the consignment as exportworthy:

Provided that where the Agency is not so satisfied, it shall within the said period of seven days refuse to issue such certificate and communicate such refusal to the exporter alongwith the reasons therefor.

5. Place of Inspection.—Every inspection under these rules shall be carried out either at the premises of the manufacturer or at the premises at which the goods are offered by the exporter provided adequate facilities for the purpose exist therein.

6. Inspection fee.—Subject to minimum of Rs. 20 for each consignment, a fee at the rate of 40 paise for every one hundred rupees of the f.o.b. value for each such consignment shall be paid as inspection fee.

7. Appeal.—(1) Any person aggrieved by the refusal of the inspection agency to issue a certificate under sub-rule (4) of rule 4, may, within ten days of receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons as may be appointed for the purpose by the Central Government.

(2) Atleast two thirds of total membership of the panel of experts shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.

SCHEDULE

1. Scale of sampling and criteria of conformity.—In the absence of specific stipulation in the export contract, the sampling scale and criteria of conformity as laid down in

the relevant Indian Standard Specification, namely IS 651—1980 and/or IS 3006—1979 as amended from time to time, shall become applicable.

2. Methods of test.—If not specified in the export contract, the test methods shall be as per National Standard.

[F. No. 6(13)/80-EI&EP]

नई दिल्ली, 23 अगस्त, 1986

का.जा. 2917.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, नमक काचित पत्थर की पाइप और फिटिंग के संबंध में भारतीय मानक संस्थान प्रमाणन निष्ठ को ये द्योतन करने के प्रयोजन के लिये मान्यता देती है कि जहाँ नमक काचित पत्थर की पाइप और फिटिंग पर ऐसे निष्ठ लगे हैं या चिपकाये गये हैं वहाँ वे उक्त अधिनियम के अधीन उनको लागू मानक विनिर्देशों के अनुसूच समझे जायेंगे ;

और केन्द्रीय सरकार ने उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप नियम (2) की अपेक्षानुसार निर्यात निरीक्षण पत्रिषद् को भेज दिया है ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम के अनुसरण में उक्त प्रस्तावों को उन लोगों की जानकारी के लिये प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना ;

2. सूचना दी जाती है कि यदि कोई व्यक्ति उक्त प्रस्तावों के बारे में कोई आक्षेप या सुझाव देना चाहते हैं तो वह उन्हें राजपत्र में इस अधिसूचना के प्रकाशित होने की तारीख से पैंतासीस दिनों के भीतर निर्यात निरीक्षण पत्रिषद्, प्रगति टावर, 11वीं मंजिल, 26, राजेन्द्र प्लेस, नयी दिल्ली-110008 को भेज सकेंगा।

स्पष्टीकरण—इस अधिसूचना में "नमक काचित पत्थर की पाइप और फिटिंग्स" से दोनों (क) रसायनिक रूप से प्रतिरोधी नमक काचित पत्थर की पाइप और फिटिंग और (ख) सामान्य अल निकास के लिये नमक काचित पत्थर की पाइप और फिटिंग्स अभिप्रेत हैं। पाइप और फिटिंग्स की आन्तरिक और बाह्य सतह जोड़ने के बाद शान्वात रह जाती है, नमकदार होगी। जोड़ने के बाद शान्वात भाग नमकदार हो भी सकते हैं या नहीं भी हो सकते हैं। जलाने की प्रक्रिया के दौरान, पाइप और फिटिंग्स की सामग्री पर साधारण नमक के वाष्पीकरण द्वारा नमक प्राप्त की जा सकती है।

[फाइल सं. 6(13)/80-ई आई एण्ड ई पी]

New Delhi, the 23rd August, 1986

S.O. 2917.—Whereas the Central Government in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), proposes to recognise the Indian Standard Institution Certification mark in relation to Salt Glazed Stoneware Pipes and Fittings for the purpose of denoting that where Salt Glazed Stoneware Pipes and Fittings are affixed or applied with such mark, they shall be deemed to be in conformity with the standard specifications applicable thereto under the said Act;

And whereas the Central Government forwarded the same to Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

C. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within fortyfive days of the publication of this notification in the official Gazette to Export Inspection Council, Pragati Tower (11th floor), 26, Rajendra Place, New Delhi-110008.

Explanation.—In this notification "Salt Glazed Stoneware Pipes and Fittings" shall both (a) chemically resistant salt-glazed stoneware pipes and fittings and (b) normal drainage purpose salt glazed stoneware pipes and fittings. The interior and the exterior surfaces of the pipes and fittings, which remain exposed after jointing shall be glazed. The portion which remain covered after jointing may or may not be glazed. The glazing shall be obtained by the action of the fumes of volatilized common salt on the material of the pipes and fittings during the process of burning.

[F. No. 6(13)/80-EI&EP]

आदेश

का.प्र. 2918.—केन्द्रीय सरकार की, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह राय है कि भारत के निर्यात व्यापार के विकास के लिये ऐसा करना आवश्यक तथा समीचीन है कि अंगरबतियों का निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण किया जाये;

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिये नीचे प्रस्ताव बनाये हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अपेक्षानुसार, निर्यात निरीक्षण परिषद् को भेज दिया है;

अतः, अब केन्द्रीय सरकार उक्त उप-नियम के अनुसरण में उक्त प्रस्तावों को उन लोगों की जानकारी के लिये प्रकाशित करती है, जिनके उनसे प्रभावित होने की संभावना है;

2. सूचना दी जाती है कि यदि कोई व्यक्ति उक्त प्रस्ताव के बारे में कोई आपेक्ष या सुझाव देना चाहता है तो वह उसे इस आदेश के राजपत्र में प्रकाशित होने की तारीख से पैंतालीस दिन के भीतर निर्यात निरीक्षण परिषद्, प्रगति टावर, 11वीं मंजिल, 26, राजेन्द्र प्लेस, नई दिल्ली-110008 को भेज सकता है।

प्रस्ताव

(1) अधिसूचित करना कि अंगरबतियों का निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण किया जायेगा;

(2) इस आदेश के उपबन्ध-I में उपबन्धित अंगरबतियों के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के प्राकृतिक के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार को क्वालिटी नियंत्रण और निरीक्षण के प्रकार के ऐसे रूप में विनिर्दिष्ट करना जो कि निर्यात से पूर्व अंगरबतियों को लागू किया जायेगा।

(3) इस आदेश के उपबन्ध-II में निर्दिष्ट न्यूनतम विशेषताओं की संशुद्धि करने हुए उद्गार के अधीन संशोधन विनिर्देशों को मान्यता देना :—

टिप्पण : जब निर्यात संविदा में विस्तृत तकनीकी अपेक्षाएँ विनिर्दिष्ट नहीं होती हैं या केवल नमूनों पर आधारित हों तो निर्यातकर्ता लिखित विनिर्देश देगा।

(4) अन्तर्राष्ट्रीय व्यापार के दौरान, ऐसी अंगरबतियों के निर्यात को तब तक प्रतिबन्धित करना जब तक कि उनके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्थापित अधिकरणों में से किसी के द्वारा जारी किया गया इस आदेश का प्रमाण-पत्र न हो कि अंगरबतियों का परेक्षण निर्यात योग्य है।

2. इस आदेश की कोई भी बात घावी क्रेताओं को भू-मार्ग, जल-मार्ग या वायु मार्ग द्वारा अंगरबतियों के वास्तविक व्यापार नमूनों के निर्यात पर लागू नहीं होगी, परन्तु यह तब जब कि ऐसे नमूनों को निःशुल्क निर्यात के लिये अनुज्ञात किया जाता है।

3. इस आदेश में, अंगरबती से ऐसी कच्ची सामग्री से विनिर्मित अंगरबती अभिप्रेत है जिसमें छाल, बीज, पत्तियाँ, फूल आदि तथा राख आवश्यक तेल और सुगंधित रसायन के पेस्ट को बास की तिलियों पर लगाकर अंगरबती तैयार की जाती है जिस पर अतिरिक्त सुगंध लगा दी जाती है जो कि लेप लगे हुए हिस्से के जलने तक सुगंधी खुशबू देती रहे।

उपबन्ध-I

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाये जाने वाले प्रस्तावित नियमों का प्राकृतिक।

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का संक्षिप्त नाम अंगरबतियों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1986 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं :—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो :—

(क) "अधिनियम" से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है;

(ख) "परिषद्" से अधिनियम की धारा 3 के अधीन स्थापित निर्यात निरीक्षण परिषद् अभिप्रेत है;

(ग) "अधिकरण" से अधिनियम की धारा 7 के अधीन बम्बई, कलकत्ता, कोचीन, दिल्ली और मद्रास में स्थापित निर्यात निरीक्षण अधिकरणों में से कोई अधिकरण अभिप्रेत है;

(घ) "अंगरबती" से ऐसी कच्ची सामग्री से विनिर्मित अंगरबती अभिप्रेत है, जिसमें सुगंधित जड़ें, छाल, बीज, पत्तियाँ, फूल आदि तथा राख, आवश्यक तेल और सुगंधित रसायन के पेस्ट की बास की तिलियों पर लगाकर अंगरबती तैयार की जाती है जिस पर अतिरिक्त सुगंध लगा दी जाती है जो कि लेप लगे हुए हिस्से के जलने तक सुगंधी खुशबू देती रहे।

(ङ) "प्रक्रिया के दौरान क्वालिटी नियंत्रण" (जिसे इसमें आगे आई. पी. क्यू. सी. कहा गया है) से क्वालिटी नियंत्रण की ऐसी प्रणाली अभिप्रेत है जिसके द्वारा विनिर्माण एकक यह सुनिश्चित करता है कि अंगरबतियों को सामग्री तथा संघटक के त्रय, विनिर्माण, निरीक्षण परीक्षण तथा पैकिंग के विभिन्न स्तरों पर परिषद् द्वारा अधिकृत नियंत्रण लागू करके मानक विनिर्देशों के अनुरूप अंगरबतियों का विनिर्माण किया गया है।

(च) "परेक्षणानुसार निरीक्षण" से यह अवधारित करने की प्रक्रिया अभिप्रेत है कि क्या निर्यात के लिये रखी गई अंगरबतियों का परेक्षण अधिकरण द्वारा निरीक्षण तथा परीक्षण करके जैसा कि परिषद् ने निर्धारित किया है, मानक विनिर्देशों के अनुरूप है।

(छ) "अनुमोदित एकक" से अभिकरण द्वारा अनुमोदित ऐसा कोई विनिर्माण एकक अभिप्रेत है जो प्रक्रिया के दौरान क्वालिटी नियंत्रण की अपेक्षाओं को पूरा करता है।

(ज) "कालिक दौरा" से ऐसा दौरा अभिप्रेत है जो एकक में प्रक्रिया के दौरान क्वालिटी नियंत्रण की अपेक्षाओं को सुनिश्चित करने के लिये अभिकरण के अधिकारियों द्वारा अनुमोदित एकक में समय-समय पर किये जाते हैं तथा (i) "स्थल पर जांच" से परिषद् द्वारा अधिकृत रीति में निर्यात परेपण की मानक विनिर्देशों के अनुसार अनुमोदित एकक में सुनिश्चित करने के लिये अभिकरण द्वारा किया गया निरीक्षण अभिप्रेत है।

3. निरीक्षण का आधार :—(1) निर्यात के लिये प्राशयित अग्ररक्षितियों का निरीक्षण यह सुनिश्चित करने के लिये किया जायेगा कि उसकी क्वालिटी अधिनियम की धारा 8 के अधीन केन्द्रीय सरकार द्वारा मान्यताप्राप्त मानक विनिर्देशों के अनुरूप है।

(क) उप-नियम (2) के अनुसार अनुमोदित एकक द्वारा उत्पादन के दौरान क्वालिटी नियंत्रण प्रक्रिया के आधार पर; या

(ख) परेपणानुसार प्रक्रिया के आधार पर; या.....

(ग) दोनों द्वारा;

(2) उत्पादन के दौरान क्वालिटी नियंत्रण प्रक्रिया: (i) कोई भी विनिर्माण एकक यदि अपने द्वारा विनिर्मित अग्ररक्षितियों का निर्यात करता चाहता है और प्रक्रिया के दौरान क्वालिटी नियंत्रण पर्याप्त है तो प्रक्रिया के दौरान क्वालिटी नियंत्रण के अन्तर्गत स्वीकृति की सूचना देते हुए अभिकरण को सूचित करेगा।

(ii) एकक अभिकरण द्वारा प्रक्रिया के दौरान क्वालिटी नियंत्रण लागू करने की उपयुक्तता को निर्धारित करने का प्रबन्ध करेगा और यदि उसका समाधान हो जाता है तो अभिकरण उस एकक को अनुमोदित एकक के रूप में घोषित कर देगा।

(iii) अपना यह समाधान करने के प्रयोजन के लिए कि अनुमोदित एकक द्वारा आवश्यक प्रक्रिया के दौरान क्वालिटी नियंत्रण बनाए रखे गए हैं अभिकरण कालिक दौरे और स्थल पर जांच करेगा।

(iv) इस संबंध में परिषद् द्वारा मानवर्द्ध के अनुसार, कम से कम सात दिन की सूचना देते हुए अभिकरण द्वारा प्रक्रिया के दौरान क्वालिटी नियंत्रण के अन्तर्गत एकक को दिया गया अनुमोदन वापस लिया जा सकता है।

(v) यह एकक जिसका अनुमोदन वापस ले लिया जाना है सूटियों के संशोधन के पश्चात् नवीन अनुमोदन के लिए अभिकरण को फिर से आवेदन-पत्र दे सकता है।

4. निरीक्षण की प्रक्रिया: (1) अग्ररक्षितियों के परेपण का निर्यात करने का इच्छुक निर्यातकर्ता परेपण को भेजने से कम से कम सात दिन पूर्व अपने ऐसा करने के आशय की सूचना लिखित रूप में अभिकरण को निरीक्षण करने के लिए देगा ताकि अभिकरण परिषद् द्वारा निर्धारित तथा नियम 3 के अनुसार परेपण का निरीक्षण कर सके।

(2) अभिकरण अपना यह समाधान कर लेने पर कि परेपण मानक विनिर्देशों तथा अधिनियम की अपेक्षाओं के अनुरूप है, सूचना प्राप्त होने के सात दिन के भीतर निर्यात के लिए निरीक्षण प्रमाणपत्र जारी करेगा;

परन्तु जहाँ अभिकरण का इस प्रकार का समाधान नहीं होता है वहाँ वह उक्त सात दिन के भीतर प्रमाणपत्र जारी करने से लिखित रूप में इंकार कर देगा और उसके कारणों को सूचित करेगा।

(3) प्रमाणपत्र के पश्चात् भी अभिकरण को परेपण के भंडारण के किसी स्थान पर, अभिवहन के दौरान या उसके पत्तों पर पुनः निर्धारित करने का अधिकार होगा। यदि इनमें से किसी भी प्रक्रम पर यह पाया जाता है कि परेपण अपेक्षाओं के अनुरूप नहीं है तो मूल प्रमाणपत्र वापस ले लिया जाएगा।

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5. निरीक्षण का स्थान: इन नियमों के अधीन प्रत्येक निरीक्षण :—

(क) विनिर्माण एकक के परिसरों पर;

या

(ख) किसी अन्य परिसर पर किया जाएगा परन्तु यह तब जब कि वहाँ निरीक्षण के लिए पर्याप्त सुविधाएं विद्यमान हों।

6. निरीक्षण फीस.—निर्यातकर्ता अभिकरण के नियमानुसार निरीक्षण फीस देगा :—

(क) उत्पादन के दौरान क्वालिटी नियंत्रण स्कीम के अधीन निर्यात करने के लिए प्रति परेपण 20/- रुपये के अधीन रहते हुए पोत-पर्यन्त निःशुल्क मूल्य के 0.3 प्रतिशत की दर से।

(ख) परेपणानुसार निरीक्षण के अन्तर्गत निर्यात के लिए प्रति परेपण न्यूनतम 20/- रुपये के अधीन रहते हुए पोत-पर्यन्त निःशुल्क मूल्य के 0.3 प्रतिशत की दर से।

7. अपील.—(1) नियम 4 के उप-नियम (2) के अधीन प्रमाणपत्र देने से इंकार किए जाने से व्यथित कोई व्यक्ति ऐसे इंकार की सूचना प्राप्त होने के दस दिनों के भीतर इस प्रयोजन के लिए केन्द्रीय सरकार द्वारा नियुक्त व्यक्तियों के पैनल को अपील कर सकता है। उस पैनल की कुल सदस्यता के कम से कम दो तिहाई सदस्य गैर-सरकारी होंगे।

(2) पैनल की गणपूर्ति तीन सदस्यों से होगी।

(3) अपील प्राप्त होने के पंद्रह दिन के भीतर निपटाई जाएगी।

(4) अपील पर पैनल का विनिश्चय अंतिम होगा।

उपबन्ध-II

अग्ररक्षितियों की विनिर्दिष्ट विणिष्टताओं के लिए न्यूनतम अपेक्षाएं

(1) अग्ररक्षितियों का धुंधा स्वास्थ्य/भाग के लिए खतरे वाला नहीं होगा।

(2) सामान्यतः अच्छी ब्रॉ में बत्ती लेपित हिस्से की अपनी पूरी लम्बाई में जलते समय लगातार सुखद सुगन्ध देगी।

(3) बत्ती काफी मजबूत होगी ताकि सीधी खड़ी रह सके।

(4) लेप का उपयोग सामान्यतः एक सा होगा।

(5) जब तक कि जेता द्वारा विनिर्दिष्ट न हो बत्ती का खाली हिस्सा घोषित लम्बाई 20 प्रतिशत से अधिक नहीं होगी।

(6) जेता तथा विक्रेता के बीच सहमति के अनुसार बत्ती की लम्बाई ± 5 प्रतिशत सहायता के साथ होगी।

(7) जेता तथा विक्रेता के बीच सहमति के अनुसार बत्ती का भार ± 5 प्रतिशत की सहायता के साथ होगी।

(8) जेता तथा विक्रेता के बीच सहमति के अनुसार डिब्बे के अन्दर बत्ती की संख्या 0.1 प्रतिशत सहायता के साथ होगी।

(9) डिब्बे में टूटी हुई बत्ती की संख्या जेता तथा विक्रेता के बीच सहमति के अनुसार ± 2 प्रतिशत सहायता के साथ होगी।

(10) जलने का समय—जेता तथा विक्रेता के बीच सहमति के अनुसार 5 मिनट सहायता के साथ होगा।

[फाइल सं. 6/1/86—ई आई एंड ईपी]

एन. एस. हरिहरन, निदेशक

ORDER

S.O. 2918.—Whereas in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government is of

opinion that it is necessary and expedient so to do for the development of the export trade of India, the Agarbattis shall be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty five days of the date of publication of this order in the Official Gazette to the Export Inspection Council, 11th floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008.

PROPOSALS

(1) To notify that Agarbattis shall be subject to quality control and inspection prior to export;

(2) To specify the type of quality control and inspection in accordance with the draft Export of Agarbattis (Quality Control and Inspection) Rules, 1986 as set out in Annexure-I to this Order, as the type of quality control and inspection which shall be applied to such agarbattis prior to export;

(3) To recognise—

The contractual specifications subject to the product satisfying the minimum of the characteristics specified in the Annexure-II to this Order.

Note—When the export contract does not indicate detailed technical requirements or is based only on samples, the exporter should furnish a written down specification.

(4) To prohibit the export in the course of international trade of such Agarbattis unless every consignment thereof is accompanied by a certificate issued by any one of the Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the consignment of Agarbattis are exportworthy.

2. Nothing in this order shall apply to the export by land, sea or air of bonafide trade samples of Agarbattis to the prospective buyers, provided such samples are allowed to be exported free of cost.

3. In this order, Agarbattis means, Agarbattis manufactured from raw materials consisting of odoriferous roots, barks, seeds, leaves, flowers etc. and resins, essential oils and aromatic chemicals, the paste of which applied to bamboo sticks on which additional perfumes are added to emit pleasant fragrance while burning continuously at full length of the coated portion.

ANNEXURE-I

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

1. Short title and commencement.—(1) These rules may be called the Export of Agarbattis (Quality Control and Inspection) Rules, 1986.

(2) These shall come into force on the date of their final publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires :—

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
- (b) "Council" means the Export Inspection Council established under Section 3 of the Act;
- (c) "Agency" means any one of the Export Inspection Agencies established under Section 7 of the Act at Bombay, Calcutta, Cochin, Delhi and Madras.

(d) "Agarbattis" means, Agarbattis manufactured from raw materials consisting of odoriferous roots, barks, seeds, leaves, flowers etc. and resins, essential oils and aromatic chemicals, the paste of which applied to bamboo sticks on which additional perfumes are added to emit pleasant fragrance while burning continuously at full length of the coated portion.

(e) "In-process Quality Control" (hereinafter also referred to as IPQC) means a system of quality control by which a manufacturing unit ensures that Agarbattis are manufactured to conform to the standard specifications by exercising controls at different stages of purchase of materials and components, manufacture, inspection, preservation and packing, in a manner as laid down by the Council;

(f) "Consignmentwise inspection" means the process of determining whether a consignment of Agarbattis meant for export complies with the standard specifications, by inspections and testing by the Agency in a manner as laid down by the Council;

(g) "Approved Unit" means a manufacturing unit approved by the Agency as having satisfied the requirements of IPQC.

(h) "Periodic Visit" means a visit made by officer(s) of the Agency to the approved unit at intervals to ensure compliance of the requirements of IPQC in the unit; and (i) "Spot-check" means an inspection by the Agency of an export consignment to ensure its conformity to the standard specifications in a manner as laid down by the Council.

3. Basis of Inspection.—(1) Inspection of Agarbattis intended for export shall be carried out with a view to seeing that the same conforms to the standard specifications recognised by the Central Government under section 6 of the Act :—

- (a) on the basis of In-process Quality Control exercised by an approved unit in accordance with sub-rule (2); or
- (b) on the basis of Consignmentwise Inspection, or
- (c) by both;

(2) In-process Quality Control :

- (i) Any manufacturing unit intending to export Agarbattis manufactured by it and having adequate IPQC shall apply to the Agency intimating therein its intention to seek approval under IPQC.
- (ii) The Agency shall then arrange to assess adequacy of IPQC exercised by the unit and if satisfied, the agency shall declare the unit as an approved unit.
- (iii) For the purpose of satisfying itself that necessary IPQC is continued to be maintained by the approved unit, the agency shall carry out periodic visits and spot checks.
- (iv) The approval accorded to the unit under IPQC may, however, be withdrawn by the Agency as per norms laid down in this regard by the Council, after giving a notice of minimum period of seven days.
- (v) A unit whose approval has been withdrawn may after rectifying the deficiencies make fresh application to the Agency for fresh approval.

4. Procedure of Inspection.—(1) An exporter intending to export a consignment of Agarbattis shall submit an intimation for inspection in writing to the agency of his intimation so to do not less than seven days prior to the despatch of the consignment to enable the agency to carry out inspection of the consignment as per rule 2 and the procedure laid down by the Council.

(2) The agency, on satisfying itself that the consignment conforms to the standard specifications and requirements of the Act, shall issue an Inspection Certificate for export within seven days of receipt of the intimation;

Provided that where the agency is not so satisfied, it shall, within the said period of seven days, refuse in writing to issue the certificate along with the reasons therefor.

(2) Subsequent to certification, the agency may re-assess the consignment in storage in transit or at the port. In the event of the consignment being found not conforming to the requirements, the certificate originally issued shall be withdrawn.

5. Place of Inspection.—Every inspection under these rules shall be carried out :—

(a) at the premises of the manufacturing unit,
or

(b) at any other premises provided adequate facilities for inspection exist therein.

6. Inspection Fee.—Inspection fee shall be paid by the exporter to the Agency as under :—

(a) for exports under In-process Quality Control Scheme at the rate of 0.3 percent of the F.O.B. value subject to a minimum of Rs. 20 per consignment.

(b) for exports under consignmentwise inspection at the rate of 0.5 percent of the F.O.B. value subject to a minimum of Rs. 20 per consignment.

7. Appeal.—(1) Any person aggrieved by the refusal of the Agency to issue a certificate under sub-rule (2) of rule 4, may within ten days of the receipt of communication of such refusal by him prefer an appeal to a Panel of Experts as may be appointed for the purpose, by the Central Government, consisting of non-officials of atleast two-thirds of the total membership of the Panel.

(2) The quorum for the Panel shall be three.

(3) The appeal shall be disposed of by the Panel within fifteen days of its receipt.

(4) The decision of the Panel on such appeal shall be final.

ANNEXURE-II

MINIMUM REQUIREMENTS OF THE SPECIFIED CHARACTERISTICS FOR AGARBATTIS

- (1) Agarbattis smoke shall not be a health/fire hazard.
- (2) The sticks shall give pleasant aroma continuously while burning for its full length of the coated portion under normal standard conditions.
- (3) The sticks shall be strong enough to stand upright.
- (4) The application of the coating shall be reasonably uniform.
- (5) Unless specified by the purchaser, the bare portion of sticks shall not be more than 20 percent of the declared length.
- (6) Length of the stick shall be as agreed to between the buyer and the seller with a tolerance of ± 5 percent.
- (7) Weight of the stick shall be as agreed to between the buyer and the seller with a tolerance of ± 5 percent.
- (8) Number of sticks in a box shall be as agreed to between the buyer and the seller with a tolerance of ± 0.1 percent.
- (9) Number of broken sticks in a box shall be as agreed to between the buyer and seller with a tolerance of ± 2 percent.
- (10) Burning time—It shall be as agreed to between the buyer and seller with a tolerance of minus 5 minutes

[File No. 61/86 EIAEP]
N. S. HARIHARAN, Director

स्वास्थ्य और नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

नई दिल्ली, 11 अगस्त, 1986

का.आ. 2919.—श्रेण, राहस एण्ड आयलसीड्स मर्चेन्ट्स एसोसिएशन, बम्बई द्वारा, उसे अग्रिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 9-ए की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संगम अनुच्छेद में किए गए निम्नलिखित संशोधनों, जिन्हें केन्द्रीय सरकार द्वारा अनुमोदित किया गया है, को उक्त धारा की उपधारा (2) की अपेक्षानुसार इसके द्वारा प्रकाशित किया जाता है, अर्थात्:—

I. खण्ड 11 में:

निम्नलिखित नया खंड जोड़ा जाएगा।

खण्ड 11:

“एक सहयुक्त सदस्य जिसने लगातार दो गामकीय वर्षों की अवधि के लिए अंशदान/उपकर (लागा), जो उसके द्वारा प्रतिवर्ष या तो कम से कम 8000 बोरों की वास्तविक सुपुंजी देने या सुपुंजी देने पर देय है, की भ्रमायन की हो तो वह साधारण सदस्य के रूप में प्रवेश पाने का पात्र होगा। ऐसे सहयुक्त सदस्य को उपर्युक्त ऐसे अंशदान/उपकर (लागा) के भुगतान का सक्षम प्रस्तुत करना होगा, जो प्रबंध समिति या इस कार्य के लिए नियुक्त उप-समिति को स्वीकार्य हो।”

II. खण्ड 49 में:

निम्नलिखित नया खंड जोड़ा जाएगा।

खण्ड 49:

“वोट देने के पात्र साधारण सदस्यों को दो पैनों की अवधि, आयलसीड्स एण्ड ग्रेन सेलर्स पैनेल और आयलसीड्स एण्ड ग्रेन बायर्स पैनेल में वर्गीकृत किया जाएगा। सदस्यों को यह धोखिन करना होगा कि वे किस पैनेल विशेष में शामिल होना चाहते हैं और प्रबन्ध समिति, संबंधित की संवीक्षा करने के बाद, सदस्यों को उपयुक्त पैनेलों में शामिल करेगी। इस संबंध में प्रबन्ध समिति का निर्णय अंतिम होगा। एक ही सदस्य एक से अधिक पैनेल में शामिल नहीं किया जाएगा।”

III. खण्ड 51 में:

निम्नलिखित नया खंड रखा जाएगा।

खंड 51:

“प्रबन्ध समिति में अधिकतम 39 सदस्य (अध्यक्ष, उपाध्यक्ष और दो प्रवैतनिक संयुक्त सचिवों सहित) होंगे, जिनमें से 33 सदस्य निर्वाचित किए जाएंगे और 6 सदस्य सहयोगित किए जाएंगे। 33 सदस्यों में से 22 सदस्य आयलसीड्स एण्ड ग्रेन सेलर्स पैनेल में से होंगे और 11 सदस्य आयलसीड्स एण्ड ग्रेन बायर्स पैनेल में से होंगे।

IV. (खण्ड 51 (ए)(i) में:

निम्नलिखित नया खंड रखा जाएगा।

खण्ड 51 (ए)(i) में:

“प्रबन्ध समिति का गठन निम्नवत किया जाएगा:—

- (1) 33 सदस्य साधारण सभा द्वारा निर्वाचित किए जाएंगे, जिनमें से 22 सदस्य आयलसीड्स एण्ड ग्रेन सेलर्स पैनेल के सदस्यों में से और 11 सदस्य आयलसीड्स एण्ड ग्रेन बायर्स पैनेल के सदस्यों में से निर्वाचित किए जाएंगे।

अथवा किसी पैनेल के मामले में, समिति में उस पैनेल के लिए रखे गए स्थानों की संख्या में कम अल्पसंख्यक होंगे, तो इस तरह कम सदस्यों से गठित समिति को सम्यक रूप से गठित समिति माना जाएगा और समिति में ऐसी कमी के होते हुए भी यह कार्य करेगी।”

V. खण्ड 61 में:

निम्नांकित नया खण्ड रखा जाएगा।

खण्ड 61 :

“एसोसिएशन ग्राम बैठक में उपस्थित सदस्यों के तीन-पीछाई बहुमत द्वारा समय-समय पर प्रबन्ध समिति के सदस्यों की संख्या बढ़ा या घटा सकती है और उक्त दोनों पैनेलों में से प्रत्येक को प्रावृत्ति स्थानों की संख्या में परिवर्तन कर सकती है।

[मि. सं. 13/1/माई. टी./86]

पी. एन. कौल, धार्मिक सलाहकार

MINISTRY OF FOOD & CIVIL SUPPLIES

(Department of Civil Supplies)

New Delhi, the 11th August, 1986

S.O. 2919.—The following amendments made to the Articles of Association by the Grain, Rice and Oilseeds Merchants' Association, Bombay, in exercise of the powers conferred on it by sub-section (1) of Section 9A of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) and approved by the Central Government are hereby published, as required under sub-section (2) of that section, namely :—

I. In clause 11.—The following new clause shall be added :—

Clause 11.—“An associate member who has paid subscription/cess (laga) which is payable by him on at least 8000 bags annually either actually delivered or taken delivery of for the period of two official years continuously, shall be eligible to be admitted as an ordinary member. Such associate member shall have to produce proof acceptable to the managing committee or sub-committee appointed in that behalf of the payment of such subscription/cess (laga) as aforesaid”.

II. In Clause 49.—The following new clause shall be added. Clause 49

“Ordinary members eligible to vote shall be classified in two panels viz, Oilseeds and Grain Sellers' panel and Oilseeds and Grain Buyers' panel. The members shall have to declare as to in which particular panel they desire to be included and the Managing Committee, after scrutinising relevant records, admit members in proper panels. The decision of the Managing Committee in this behalf shall be final. The same member shall not be included in more than one panel”.

III. In clause 51.—The following new clause shall be substituted.—

Clause 51

“The Managing Committee shall consist of not more than 39 members (including the President, Vice-President and two Joint Hony. Secretaries), out of which 33 members shall be elected and 6 members will be co-opted. Of the 33 members, 22 members shall be from among the members of the Oilseeds and Grain Sellers' panel and 11 members shall be from among the members of the Oilseeds and Grain Buyers' panel”.

IV. In clause 51(A)(i).—The following new clause shall be substituted.

Clause 51(A)(i)

“The Managing Committee shall be constituted as under :—

(i) 33 members shall be elected by the General Body, out of which 22 members shall be from among the members of the Oilseeds and Grain Sellers' Panel and 11 members shall be from among the members of the Oilseeds and Grain Buyers' Panel.

Or for any Panel, there are less candidates than the number of seats provided for on the Committee, for that panel, the Committee so constituted of such less number of members shall be deemed to be duly constituted and shall function notwithstanding such deficiency on the Committee”.

V. In clause 61.—The following new clause shall be substituted.

Clause 61

“The Association in General Meeting by 3/4th majority of the members present may from time to time increase or reduce the number of members to serve on the Managing Committee and alter the number of seats allotted to each of the two panels”.

[File No. 13/1/IT/86]

P. N. KAUL, Economic Adviser

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 जुलाई, 1986

का. धा. 2910.—भारत सरकार के भूतपूर्व ऊर्जा मंत्रालय (पेट्रोलियम विभाग) की वित्त 15 सितम्बर, 1983 की अधिसूचना संख्या 3689 में आगे और आर्थिक संशोधन करते हुए तेल उद्योग (विकास) अधिनियम 1974 (1974 का 47) की धारा 3 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा तत्काल प्रभावी तारीख से, अगले प्रादेशों तक, के लिए तेल उद्योग विकास बोर्ड में श्री नारायण दत्त तिवारी, उद्योग मंत्री तथा पेट्रोलियम और प्राकृतिक गैस मंत्री की अध्यक्षता के रूप में नियुक्त करती है।

[एफ. संख्या 7/19/85-वित्त-II]

एस. बालाचन्द्रन, संयुक्त सचिव

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 29th July, 1986

S.O. 2920.—In partial and further modification of the Government of India in the erstwhile Ministry of Energy (Department of Petroleum) notification No. 3689 dated the 15th September, 1983, and in exercise of the powers conferred by sub section (4) of section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints, with immediate effect and until further orders, Shri Narayan Datt Tiwari, Minister of Industry and Minister of Petroleum & Natural Gas, as the Chairman of the Oil Industry Development Board.

[No. 7/19/85-Fin. II]

S. BALACHANDRAN, Jt. Secy.

नई दिल्ली, 12 अगस्त, 1986

का. धा. 2921.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. धा. सं. 1389 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आलय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 8 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा दत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक वाद अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल		
					बी.	वि.	बि.
1	2	3	4	5	6		
हृदोई	बिलग्राम	कटियारी	डकपुरा	171	0	0	5

[सं. ओ.-14016/345/85-बी.पी.]

New Delhi, the 12th August, 1986

S.O. 2221.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1395 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

H.B.J. Gas Pipe Line Project

District	Tehsil	Pargana	Village	Plot No.	area in acers
1	2	3	4	5	6
Hardui	Bilgram	Katiyari	Dhak Pura	171	0-0-5

[No. O-14016/345/85-G.P.]

का. भा. 2932:—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. भा. सं. 1392 तारीख 24-3-1986 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सभ्य प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे उक्त केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा दत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक वाद अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल		
					बी.	वि.	बि.
1	2	3	4	5	6		
हृदोई	बिलग्राम	कटियारी	मुन्दीर	1475	0	0	5
				1531	0	0	5
				141	0	0	5
				1430	0	0	5
				1481	0	0	5

[सं. ओ.-14016/276/85-जी.पी.]

S.O. 2922.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1393 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	area in acres
1	2	3	4	5	6
Hardoi	Bilgram	Katiyari	Mundair	1475	0-0-5
				1531	0-0-5
				141	0-0-5
				1430	0-0-5
				1481	0-0-5

[No. O-14016/276/85-G.P.]

का. घा. 2923:—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की उपधारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. घा. सं. 1392 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय प्रकट कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक वाद अनुसूची

एच. बी. जे. गैस पाइप लाइन लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल		
1	2	3	4	5	बी	बी	बी
हरदोई	बिलग्राम	कटि-	डिबवन	9	0	1	0
		यारी					

[सं. भो.-14016/271/85-जी. पी.]

S.O. 2923.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1392 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)

H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	area in acres
1	2	3	4	5	6
Hardoi	Bilgram	Katiyari	Didvan	9	0-1-0

[No. O-14016/271/85-G.P.]

का. घा. 2924:—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. घा. सं. 1412 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक वाद अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल		
1	2	3	4	5	6	7	8
शाहजहाँपुर	तिलहर	तिलहर	बन्धी-बक	137	0	0	2

[सं. भो.-14016/433/85-जी. पी.]

S.O. 2924.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1412 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central

Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline :

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Shah-jahanpur	Tilhar	Tilhar	Bandhi-Chak	137	0-0-2

[No. O-14016/433/85-GP]

का. भा. 2925 :—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. भा. 1401 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक बाद अनुसूची					
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट					
जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहाँपुर	कोट	यादपुर	1338	0	0 0 6

[सं. ओ-14016/381/85-जी. पी.]

S.O. 2925.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1401 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government

declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary case (Schedule)
H.B.I. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Shah-jahanpur	Sadar	Kant	Yarpur	1338	0-0-6

[No. O-14016/381/85-GP]

का. भा. 2926—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. भा. सं. 1792 तारीख 15-4-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक बाद अनुसूची					
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट					
जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहाँपुर	सदर	कोट	बड़गाँव		80-0-01

[सं. ओ-14016/379/85-जी. पी.]

S.O. 2926.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1792 dated 15-4-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

H.B.J. Gas Pipe Line Project

District Tahsil Pargana Village Plot No. Area in acres

1	2	3	4	5	6
Shahjahanpur	Sadar Kant Barua	93		0—01	
	Khurd				

[No. O-14016/379/85-GP.]

का.प्रा. 2927—यतः पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.प्रा. 1389 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और प्रागे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और प्रागे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक बाद अनुसूची

एच.बी.जे. गैस पाइप लाईन प्रोजेक्ट

जनपद	तहसील	परागना	ग्राम	गाटा सं.	क्षेत्रफल बी.वि.वि.
1	2	3	4	5	6
हरदोई	बिलग्राम	कटियारी बरामऊ	312		0—10—0
		सीताला			

[सं. मो-14016/236/85-जी.पी.]

S.O. 2927.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1389 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary case (Schedule)

H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana Village	Plot	Area in acres B-B-B
1	2	3	4	5

Hardoi	Bilgram	Katiyari Baramah	312	0-10-0
		Sitala		

[No. O-14016/236/85-G.P.]

का.प्रा. 2928—यतः पेट्रोलियम खनिज और पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.प्रा. सं. 1394 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और प्रागे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और प्रागे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक वाद अनुसूची

एच.बी.जे. गैस पाइप लाईन प्रोजेक्ट

जनावर	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल बी.वि.वि.
1	2	3	4	5	6
हरदोई	बिलग्राम	कटियारी	श्यामपुर	184	1-5-0

[सं.ओ-14016/306/85-जी.पी.]

S.O. 2928.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1394 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now therefore, in exercise of the power conferred by sub-section (1) of Section 60 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres B-B-B
1	2	3	4	5	6
HarDOI	Bilgram	Katiyari	Shyamapur	184	1-5-0

[No. O-14016/306/85-GP]

का.आ. 2929—यतः पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.आ. सं. 1403 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिपूतना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईनों की बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः मशम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है
625 GI/86—3

कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक वाद अनुसूची

एच.बी.जे. गैस पाइप लाईन प्रोजेक्ट

जनावर	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहांपुर	सदर	जमौर	किशुरहाई	435	0-01
				566	0-02

[सं. O-14016/385/85-जी.पी.]

S.O. 2929.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1403 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Shah-jahan-pur	Sadar	Jamaur	Kishur-high	435	0-01
				566	0-02

[No. O-14016/385/85-GP]

का.आ.-2930—यतः पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.आ. सं. 1405 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों

के उपयोग के अधिकार को पाइप-लाइनों को बिछाने के लिये खर्च करने का अपना प्राण्य घोषित कर दिया था।

और यतः सधम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार का रिपोर्ट दे दी है।

और प्राये यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार प्रजित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिये एतद्वारा प्रजित किया जाता है।

और प्राये उस धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस शारीर्य को निहित होगा।

अनुसूचक वायु अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहांपुर	सदर	कांट	मुकुन्दपुर	10	0—08

[सं. O-14016/397/85-जी.पी.]

S.O. 2930.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1405 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary case (Schedule)

H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres
Shah-jahan-pur	Sadar	Kant	Mukund Pur	10	0-08

[No. O-14016/397/85-GP]

का भा. 2931.—यतः पेट्रोलियम और मनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. भा. सं. तारीख 1410 दिनांक 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार की प्राण्य शक्तियों को बिछाने के लिए प्रजित करने का अपना प्राण्य घोषित कर दिया था।

और यतः सधम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार का रिपोर्ट दे दी है।

और प्राये यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार प्रजित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा प्रजित किया जाता है।

और प्राये उस धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस शारीर्य को निहित होगा।

अनुसूचक वायु अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहांपुर	तिलहर	प्रगना	हेरीपुर	285	0 01
		बमोड़ा	कामीपुर		

[सं. O-14016/414/85-जी.पी.]

S.O. 2931.—Whereas by Notification of the Government of India in the Ministry of Petroleum, S.O. 1410 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres
Shah-jahan-pur	Tilhar	Khera Bajhera	Hemipur Komipur	285	0-01

[No. O-14016/414/85-GP]

का. प्रा. 2932.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. प्रा. सं. 1404 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना अधिकार घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची वाद अनुसूची

ए. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
साहजहापुर	सदर	जमौर	गंधार	1229	0 02
				1301	0 02

[सं. O-14016/395/85-जी पी]

S.O. 2932.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1404 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Shah-jahan-pur	Sadar	Jamaur	Gandhar	1229	0-02
				1301	0-02

[No. O-14016/395/85-GP]

का. प्रा. 2933.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. प्रा. सं. 1411 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना अधिकार घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची वाद अनुसूची

ए. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
साहजहापुर	तिलहर	खेडावेडा	साहजपुर	143	0 02
			आदोपुर		

[सं. O-14016/425/85-जी.पी.]

S.O. 2933.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1411 dated 24-3-36 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in aers
1	2	3	4	5	6
Shah-jahan-pur	Tilhar	Khora Bajhora	Taharpur Jadepur	143	0-02

[No. O-14016/425/35-GP]

का. आ. 2934.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अर्जन भारत सरकार के पेट्रोलियम मंत्रालय की अधिवृत्त का. आ. 1384 तारीख 24/3/36 द्वारा केन्द्रीय सरकार ने उस अधिवृत्त से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार का पाइप लाइनों का बिछाने के लिए अर्जित करने का अर्जन आशय घोषित कर दिया था ।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिवृत्त से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिवृत्त में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है ।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है । कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप से घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुसूचक का अनुसूची
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

अर्जन	तहसील	परगना	ग्राम	प्लॉट सं.	क्षेत्रफल
1	2	3	4	5	6
फरखाबाद	छिन्नमक	त.जा.आन	पनवावा	796	0 11
				955	0 433
				972	2 60

[मं. O-14016/532/84-गै. पी.]

S.O. 2934.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1384 dated 24-3-36 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further, whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in aers
1	2	3	4	5	6
Farakha-bad	Chahiba Mau	Talgra Panga		796	0-11
				955	0-43
				972	2-60

[No. O-14016/532/84-GP]

का. आ. 2935.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अर्जन भारत सरकार के पेट्रोलियम मंत्रालय की अधिवृत्त में. 1385 तारीख 24-3-36 द्वारा केन्द्रीय सरकार ने उस अधिवृत्त में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार का पाइप लाइनों का बिछाने के लिए अर्जित करने का अर्जन आशय घोषित कर दिया था ।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिवृत्त से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इन अधिसूचना में वर्णित भूमि में निम्नलिखित उक्त भूमि में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और अतः उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में बाँटने के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक वाद अनुसूची
एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
फरुखाबाद	छिबरा मऊ	सकतपुर बनवा	1159	0.	01
			1162	0	01
			1482	0	24
			1156	0	03

[सं. O-14016/545/84-जी. पी.]

S.O. 2935.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 1385 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority, has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule) H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Ac.
1	2	3	4	5	6
Farukha- bad	Chhibra Mau	Sakat Pur	Banga	1159	0-01
			wan	1162	0-01
				1482	0-24
				1156	0-03

[No. O-14016/545/84-GP]

का.आ. 2936.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम (1962 का 50) की धारा 3 की उपधारा (3) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.आ.स. 1379 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित भूमियों के उपयोग अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अर्पण घोषित कर दिया था।

और यतः तत्काल प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और अतः यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित भूमियों में उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इन अधिसूचना में वर्णित भूमि में निम्नलिखित उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और अतः उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में बाँटने के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक वाद अनुसूची
एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
फरुखाबाद	छिबरा मऊ	तालमाम	बाई	315	0-02

[सं. O-14016/542/84-जी पी]

S.O. 2936.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1379 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Paragana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Faru-khabad	Chhik-ranau	Talga-ran	Baroi	315	0-02

[No. O-14016/542/84-GP]

का.प्रा. 2937.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.प्रा.सं. 1398 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूक्त वाद अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
हरदोई	भाहवाव	पछोहा	मानवारा	374	0-0-10

[सं. O-14016/361/85-जी पी]

S.O. 2937.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1398 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central

Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free fication hereby acquired for laying the pipeline;

Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Hardoi	Shaha-bad	Panch-hoha	Man-para	374	0-0-10

[No. O-14016/361/85-GP]

का.प्रा. 2938.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.प्रा.सं. 1399 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूक्त वाद अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
हरदोई	भाहवाव	पछोहा	मानवारा	909	0-2-0

[नं. O-14016/362/85-जी-पी.]

S.O. 2938.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1399 dated 24-3-86 under sub-section (1) of Section 3 of the

Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Hardoi	Shahabad	Panchhoka	Bhar-khani	909	0-2-0 0-2-0

[No. O-14016/362/85-GP]

का.प्र. 2939.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.प्र. सं. 1390 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी आधाराओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची का अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
हरदोई	बिलग्राम	कटियारी	बम्हरोली	349	0-15-0

[सं. O-14016/238/85-जी पी]

S.O. 2939.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1390 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Hardoi	Bilgram	Kau-yari	Bamh-rauli	349	0-15-0

[No. O-14016/238/85-GP]

का.प्र. 2940.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.प्र. सं. 176 तारीख 15-4-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

का. प्रा. 2941 अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार अर्जित पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और प्राये उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूक्त वाद अनुसूची
एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जन्पद	तहसील	परगना	ग्राम	गाटा	क्षेत्रफल सं.
फरुखाबाद	छिवरा मऊ	तालगाव	बिगासर पुराना	549	0-52

[सं. O-14016/147/85-जी.पी.]

S.O. 2940.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1763 dated 15-4-86 under sub-section (1) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

District	Tahsil	Par-gana	Village	Plot No.	Area in acres
Faru-khabad	Chhib-ramau	Talga-ram	Chia-sar	549 old	0-52

No. O-14016/147/85-GP]

का. प्रा. 2941.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. प्रा. सं. 1396 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार की रिपोर्ट दे दी है।

और प्राये उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अथ, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

और प्राये उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूक्त वाद अनुसूची
एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जन्पद	तहसील	परगना	ग्राम	गाटा नं.	क्षेत्रफल
शाहजहापुर	सदर	कांट	अलिपुरापुर	14	0-90

[सं. O-14016/356/85-जी.पी.]

S.O. 2941.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1396 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

H.B.I. Gas Pipe Line Project					
District	Tahsil	Par-gana	Village	Plot No.	Area in acres
Shahja-hanpur	Sadar	Kant	Aliapur	14	0-90

[No. O-14016/356/85-GP]

का. प्रा. 2942.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. प्रा. सं. 1407 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी वाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक बाद अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
महाराष्ट्र	चंद्र	कांठ	बासजोडा	22	0-04
				393	0-02
				382	0-01

[सं. O-14016/407/85-जोपी]

S.O. 2942.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1407 dated 24-3-86 under sub-section (I) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Shahjahanpur	Sadar	Kant	Bans-Khara	22	0.04
				393	0.04
				382	0.01

[No. O-14016/407/85,-GP]

का.सं. 2943.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.सं. 1386 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अचना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी वाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचक बाद अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
फर्रुखाबाद	छिन्नमंड	तालमाम	तमिषामऊ	351	0-12
				659	0-03
				732	0-01
				932	0-02

[सं. O-14016/106/85-जोपी]

S.O. 2943.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1386 dated 24-3-86 under sub-section (I) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in

Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

**Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project**

District	Tahsil	Par-gana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Faru-khabad	Chhib-ramau	Talg-ram	Tamia-mau	351 659 732 932	0-12 0-03 0-01 0-02

[No. O-14016/106/85-GP]

का.घा. 2944.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.घा. सं. 1397 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक बाद अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहांपुर	सदर	कांट	कमरिया	102	0-12

[सं. O-14016/360/85-जीपी]

S.O. 2944.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1397 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

**Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project**

District	Tahsil	Par-gana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Shahja-hanpur	Sadar	Kant	Kham-riya	102	0-12

[No. O-14016/360/85-GP]

का.घा. 2945.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. घा. सं. 1400 तारीख 23-4-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक बाद अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहांपुर	सदर	कांट	कमरिया	179	0-10

[सं. O-14016/378/85-जीपी]

S.O. 2945.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1400 dated 24-3-86 under sub-section (I) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (I) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule) H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in acers
1	2	3	4	5	6
Shahjahanpur	Sadar	Kant	Barua Bujurg	179	0-10

[No. O-14016/378/85-GP]

का.आ. 2946.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम संज्ञासय की अधिसूचना का. आ. सं. 1402 तारीख 24/3/86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बावजूद भारतीय गैस प्राधिकरण लि० में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस सारीख की दिवस होगी।

अनुसूचक बाद अनुसूची पञ्च. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटासं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहाँपुर	सदर	काट	नगरिया ग्रामपुर	348	0—15

[स. O-14016/384/85-जी. पी.]

S.O. 2946.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1402 dated 24-3-86 under sub-section (I) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (I) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India, Ltd. free from encumbrances.

Supplementary Case (Schedule) H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in acers
1	2	3	4	5	6
Shahjahanpur	Sadar	Kant	Nagari-yaalam-pur	348	0-15

[No. O-14016/384/85-GP]

का.आ. 2947.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम संज्ञासय की अधिसूचना का. आ. सं. 1729 तारीख 15-4-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और अग्रे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियमन किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और अग्रे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में उपयोग के प्रयोजन का इस तारीख को निहित होगा।

अनुसूचक बाद अनुसूची
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल बि. वि.
1	2	3	4	5	6
हरदोई	बिलग्राम कटियारी	सूरजपुर बुर्जना	सांसावा	206	0-0-5

[सं. O-14016/255/85-जी. पी.]

S.O. 2947.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1729 dated 15-4-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary (Table)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in aers
1	2	3	4	5	6
Har-doi	Bil-gram	Kati-yari	Sur-japur Dar-j-pur Sitala	206	0-0-5

[No. O-14016/255/85-GP]

का. भा. 2948.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. भा. सं. 1388 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार का पाइप लाइनों को बिछाने के लिए अर्जित करने का अर्पण घोषित कर दिया था।

और यतः संलग्न प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और अग्रे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियमन किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और अग्रे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में उपयोग के प्रयोजन की इस तारीख को निहित होगा।

अनुसूचक बाद अनुसूची
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल बी.बि.
1	2	3	4	5	6
हरदोई	बिलग्राम कटियारी	बहेलिया		3265	0-0-5
				3271	0-0-10

[सं. O-14016/234/85-जी. पी.]

S.O. 2948.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1388 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the

said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in acres
1	2	3	4	5	6
B-B,B					
Hardoi	Bilgram	Katiyari	Daholi	3265	0-0-5
				3271	0-0-10

[No. D-14016/234/85-GP]

का.भा. 2948.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. भा. सं. 1408 तारीख 24-3-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूचा वाच अनुसूची
एच. बी. जी. गैस पाइप लाइन प्रोजेक्ट

क्रमिक	तहसील	परगना	ग्राम	प्लॉट सं.	क्षेत्रफल
1	2	3	4	5	6
बाहुनहीपुर	सहर	काट	पल्होरा	1837	0-0-2
				248	0-0-3
				855	0-0-2

[सं. O-14016/411/85-जी. पी.]

S.O. 2949.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1408 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplimentary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in acres
1	2	3	4	5	6
Shahjahanpur	Sadar	Kant	Palhaura	1837	0-02
				248	0-30
				855	0-02

[No. O-14016/411/85-GP]

का.भा. 2950.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. भा. सं. 1387 तारीख 24/3/86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूक्त वाद अनुसूची
एच. बी. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
फर्रुखाबाद	छिबरा	सीरिख	नादेमऊ	1942	0—18
	मऊ				

[सं. O; 14016/115/85-जी पी.]

S.O. 2950.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1387 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in acors
1	2	3	4	5	6
Faru khabad	Chhib-ramau	Sourikh	Nade-Mali	1942	0-18

[No. O-14016/115/85-GP]

का. भा. 2951:—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. भा. सं. 1406 तारीख 24/3/86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार की पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और अतः यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियमन किया है।

अथ, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और अतः उक्त धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय, भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में प्रशासन की इस तारीख को निहित होगा।

अनुसूक्त वाद अनुसूची
एच. बी. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल
1	2	3	4	5	6
शाहजहांपुर	सदर	कान्त	सिकराहन	135	0—09
				76	0—02
				195	0—05

[सं. O-14016/405/85 जी पी]

राकेश कक्कर, उप सचिव

S.O. 2951.—Whereas by notification of the Government of India in the Ministry of Petroleum, S. O. 1406 dated 24-3-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)
H.B.J. Gas Pipe Line Project

District	Tahsil	Par-gana	Village	Plot No.	Area in acors
1	2	3	4	5	6
Shah-jaipur	Sadar	Kant	Sikra-han	135	0-09.
				76	0-02
				195	0-05

[No. O-14016/405/85-GP]

RAKESH KACKER, Dy. Secy.

संचार मंत्रालय

(दूर संचार विभाग)

नई दिल्ली, 8 अगस्त, 1986

का. आ. 2952.—स्वामी आदेश संख्या 627 दिनांक 8 मार्च, 1980 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक, दूरसंचार विभाग ने अरन्तांगी, अरवंधार कोट्टल, अयानाथन कोट्टई, मुन्नायानियापुरम तथा अरसुरकुलम टेलीफोन केन्द्र, तमिलनाडु, मद्रास में दिनांक 23-8-1986 से प्रमाणित दर प्रणाली लागू करने का निर्णय किया है।

[संख्या 5-26/86-पीएचबी]

बी. श्रीनिवासन, महापंक महानिदेशक (पीएचबी)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 8th August, 1986

S.O. 2952.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Department of Telecommunications, hereby specified 23-08-1986 as the date on which the Measured Rate System will be introduced in Arantangi, Avudayarkottai, Avanathan-kottai, Subramaniapuram and Arasurkulam Telephone Exchanges, Tamil Nadu Telecom Circle.

[No. 5-26/86-PHB]

V. SRINIVASAN, Assistant Director General (PHB)

श्रम मंत्रालय

नई दिल्ली, 30 जुलाई, 1986

का. आ. 2953.—केंद्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उद्योग और कंपनी कार्य मंत्रालय के अधीन उत्पादन केन्द्र निदेशालय, इत्तमनूर, केरल के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से 1 जनवरी, 1986 से 31 दिसम्बर, 1986 तक की जिसमें यह तारीख भी सम्मिलित है एक वर्ष की अवधि के लिए छूट देती है।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात्:—

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधान दर्शाए गए हों;
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदत्त अभिदायों के आधार पर हकदार हो जाते;
- (3) छूट प्राप्त अवधि के लिए अभिदाय यदि वे पहले ही संवत् किए जा चुके हैं तो, वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने का नियोजक उक्त अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवृत्त था (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है) ऐसी विवरणियां ऐसे प्रथम में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा इमे (साधारण) विनियम, 1950 के अधीन उक्त अवधि की बाबत देनी थी;
- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या इस निमित्त प्राधिकृत निगम का कोई अन्य पदधारी,—
 - (i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत भी यदि किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनों के लिए; या

(ii) यह अभिलिखित करने के प्रयोजनों के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाप्रपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गए थे या नहीं; या

(iii) यह अभिलिखित करने के प्रयोजनों के लिए कि कर्मचारी नियोजक द्वारा दी गई उन प्रसुविधाओं को, जो ऐसी प्रसुविधाएं हैं जिनके प्रतिफलस्वरूप इस अधिसूचना के प्रवृत्त हो जा रही हैं, नकद और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या

(iv) यह अभिलिखित करने के प्रयोजनों के लिए कि उक्त अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं,

निम्नलिखित कार्य करने के लिए सशक्त होगा,—

- (क) प्रधान नियोजक या अव्यवहित नियोजक से यह अपेक्षा करना कि वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या
- (ख) ऐसे प्रधान नियोजक या अव्यवहित नियोजक के अधिमोग में के कारखाने स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके भारसाधक व्यक्ति से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संबंध से संबंधित ऐसे लेखाबहियों और अन्य दस्तावेजों जैसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने से या वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या
- (ग) प्रधान नियोजक या अव्यवहित नियोजक की, उसके अधिकारी या सेवक की या से किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल करना या उससे उद्धरण लेना।

[सं. एत. 38014/40/85—एच. आर्डी.]

स्पष्टीकारक ज्ञापन

इस नामले में छूट को भूतलशी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के आवेदन संबंधी प्रक्रिया में समय लगे गया था। किन्तु, यह प्रमाणित किया जाता है कि छूट को भूतलशी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

MINISTRY OF LABOUR

New Delhi, the 30th July, 1986

S.O. 2953.—In exercise of the powers conferred by section 88 read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of the Directorate of Production Centres, Ettumanur, Kerala under the Ministry of Industry and Company Affairs from the operation of the said Act for a period of one year with effect from 1st January, 1986 upto and inclusive of the 31st December, 1986.

The above exemption is subject to the following conditions, namely:—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;

(2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

(3) The contributions for the exempted period, if already paid, shall not be refunded;

(4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from in respect of the said period under the Employees' State Insurance (General) Regulation, 1950;

(5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

[No. S-38014/40/85-SSI]

Explanatory Memorandum

It has become necessary to give retrospective effect to the exemption in this case as the processing of the application for exemption took time. However, retrospective effect will not affect the interest of anybody adversely.

का.आ. 2954.—केन्द्रीय सरकार को यह प्रतीत होता है कि विम्प-लिमिटेड स्थापन ने सम्बन्ध नियोजन और कर्मचारियों की बहुसंख्या इस

बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध संबंधित स्थापन को लागू किये जाने चाहिए :-

1. मैसर्स इसके इटरेनशनल, एम-4 इन्डस्ट्रियल एरिया, सोनीपत (हरियाणा) ।

2. मैसर्स आरके लेम्प इन्डस्ट्रीज प्लॉट नं. 33 बी.एल.एफ, इन्डस्ट्रियल इस्टेट, फेस-1, फरीदाबाद ।

3. मैसर्स नलवा स्टील्स लिमिटेड, पोस्ट बॉक्स नं. 21, दिल्ली रोड, हिसार ।

4. मैसर्स एस.के. ग्लास इन्डस्ट्रीज (प्रा.) लिमिटेड, जी.टी. रोड, गांव रसोई कसबा सोनीपत (हरियाणा) और इसका पहाड़गंज नई दिल्ली-110055 स्थित मुख्य कार्यालय ।

5. मैसर्स रपा रिले प्राइवेट लिमिटेड, 14/6 मथुरा रोड, फरीदाबाद और इसका 29 कम्युनिटी सेंटर ईस्ट आफ किलाश नई दिल्ली स्थित रजिस्टर्ड कार्यालय ।

6. मैसर्स लक्ष्मी मेडिकल एजेंसीज इगहा रोड, अम्बाला कैंट और इसकी सेक्टर-38, चण्डीगढ़ स्थित शाखा ।

अतः केन्द्रीय सरकार उक्त धारा नियम की धारा 1, की उप धारा 4 द्वारा प्रवर्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है ।

[एस-35019(163)/86-एसएस 2]

S.O. 2954.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely :—

1. M/s. Eskay International No. M. 4, Industrial Area, Sonapat (Haryana).

2. M/s. Arkay Lamp Industries, Plot No. 33, D.L.F., Industrial Estate, Phase-1, Faridabad.

3. M/s. Nalwa Steels Limited, Post Box No. 21, Delhi Road, Hissar, (Haryana).

4. M/s. S. K. Glass Industries (P) Ltd., 34/35, G. T. Road, Village Rasoi, Distt. Sonapat (Haryana), including its Head Office at Paharganj, New Delhi-110055.

5. M/s. Rapa Relay Pvt. Ltd., 14/6, Mathura Road, Faridabad, including its Regional Office at 29 Community Centre, East of Kailash, New Delhi.

6. M/s. Lakshmi Medical Agencies, Idgah Road, Ambala Cantt., including its branch at Sector-26, Chandigarh.

Now therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[S-35019(163)/86-SS. II]

नई दिल्ली, 31 जुलाई, 1986

का.आ. 2955.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) जिसकी इसके पश्चात पूर्वोक्त अधिनियम कहा गया है) की धारा 91-क के माध्यम पठित धारा 88 द्वारा प्रवर्त शक्तियों का प्रयोग करते हुए और भारत सरकार, अम मंत्रालय की अधिसूचना संख्या का.आ. 155, तारीख 4 जनवरी, 1982 के क्रम में, भारत सरकार के राष्ट्रीय मंत्रालय (राष्ट्र और संघकारी विभाग) के अधीन एकीकृत मास्वकी परियोजना, एमकु लम के बर्फ एवं हिमीकरण संयंत्र, कर्मशालाएं

और शिपवेज इन्सुरेंस अधिनियम प्रत्येक अनुभाग और गियर अनुभाग में के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से, पहली अप्रैल, 1982 से 30 सितम्बर, 1986 तक, जिसमें यह दिन भी सम्मिलित है, की और अवधि के लिए छूट देनी है।

उक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात् :—

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधायन दर्शाए जायेंगे;
- (2) इस छूट के होने हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रमुखियाएँ प्राप्त करने रहेंगे, जिसको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संश्लेष अभिधायन के आधार पर हकदार हो जायें—
- (2) छूट प्राप्त अवधि के लिए यदि कोई अभिधायन पहले से संश्लेष किए जा चुके हैं तो वे वापस नहीं किए जायेंगे;
- (4) उक्त कारखाने का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवृत्त था (जिसमें इसमें इसके पश्चात् उक्त अवधि कहा गया है) ऐसी विवरणियाँ ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देनी जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी;
- (5) नियम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या इस निमित्त प्राधिकृत विनियम का कोई अन्य अधिकारी—
 - (i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों की सत्यापित करने के प्रयोजनों के लिए, या
 - (ii) यह अभिलिखित करने के प्रयोजनों के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गए थे या नहीं, या
 - (iii) यह अभिलिखित करने के प्रयोजनों के लिए कि कर्मचारी, नियोजक द्वारा दी गई उन प्रमुखियाओं को, जो ऐसी प्रमुखियाएँ हैं जिनके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
 - (iv) यह अभिलिखित करने के प्रयोजनों के लिए कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं,

निम्नलिखित कार्य करने के लिए सशक्त होगा,—

- (क) प्रधान नियोजक या अव्यवहित नियोजक से यह अपेक्षा करना कि वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या
- (ख) ऐसे प्रधान नियोजक या अव्यवहित नियोजक के अधिभोग में के कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके भारसाधक व्यक्ति से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संघर्ष से संबंधित ऐसी लेखाबहियाँ और अन्य दस्तावेजों, ऐसे निरीक्षक या अन्य पदाधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे या वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या
- (ग) प्रधान नियोजक या अव्यवहित नियोजक की, उसके अधिकारी या सेवक की या ऐसे किसी व्यक्ति की जो ऐसे कारखाने,

स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदाधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबहियाँ या अन्य दस्तावेज की नकल करना या उससे उद्धरण लेना।

[संख्या एम-38014/3/86-एस.एस. 1]

व्याख्यात्मक आपन

इस मामले में पूर्वपेक्षी प्रभाव से छूट देना आवश्यक हो गई है, क्योंकि छूट के लिए आवेदन पत्र बहुत देर में प्राप्त हुआ। तथापि यह भी प्रमाणित किया जाता है कि पूर्वपेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 31st July, 1986

S.O. 2955.—In exercise of the powers conferred by Section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948) (hereinafter referred to as the said Act) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 155 dated the 4th January, 1982 the Central Government hereby exempts the regular employees in Ice-cum-Freezing Plant, Workshops and Shipways, Electronic Section, Processing Section and Gear section of the Integrated Fisheries Project, Enakulam under the Government of India in the Ministry of Agriculture (Department of Agriculture & Cooperation) from the operation of the said Act for a period with effect from 1st October, 1982 upto and inclusive of 30th September, 1986.

The above exemption is subject to the following conditions, namely :—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purpose of—
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer

in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

- (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to—
- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises; or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

[No. S-38014/3/86-SS I]

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the application for exemption was received very late. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of any body adversely.

मई दिल्ली, 5 अगस्त, 1986

का.आ. 2956.—केन्द्रीय सरकार को यह प्रतीत होता है कि भैमसे राजस्थान राज्य जल, प्रदूषण निवारण एण्ड नियंत्रण मंडल, जे-2/35, महावीर मार्ग "सी" स्कीम, जयपुर जिसमें इसके कोटा, जोधपुर, अलवर, और जयपुर स्थित/क्षेत्रीय कार्यालय भी सम्मिलित है नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए।

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा-4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं.एस-35019(162)/86-एस एस 2]

New Delhi, the 5th August, 1986.

S.O. 2956.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s Rajasthan Rajya Jal Pradushan Nivaran and Niyantiran Mandal J-2/35, Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter office at Kota, Jodhpur, Alwar & Jaipur have agreed that the provision of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the said establishment.

[No. S-35019/162/86-SS-II]

का.आ. 2957.—मैसर्स श्री राम वनस्पति मैस्युफैक्चरिंग वर्क्स (जो पहले जो.सी.एम. वनस्पति मैस्युफैक्चरिंग वर्क्स के नाम से जाना

जाती थी) शिवार्जो मार्ग, पोस्ट बाक नं. 6219, नई दिल्ली-15 (जी.एल./96) (जिसे इसमें इसके पश्चात उक्त स्थापन कहा गया है) के कर्मचारों भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के नियमित कर्मचारी किसी पृथक अभिदाय या प्रीमियम का सन्वाय किए बिना ही, भारतीय जीवन बीमा नियम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदा उठा रहे हैं वे ऐसे कर्मचारियों को उन फायदों से अधिक अनुकूल हैं जो उन्हें कर्मचारी निधि सहवृद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात उक्त स्कीम कहा गया है) के अधीन अनुज्ञेय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 2004 तारीख 14-4-1983 के अनुसरण में और इसमें उदाहरण अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन के नियमित कर्मचारियों को 30-4-1986 से तीन वर्षों की अवधि के लिए जिसमें 29-4-1989 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजन प्रादेशिक भविष्य निधि आयुक्त देहली को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निदिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्वाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उप धारा (3क) के खण्ड (क) के अधीन समय-समय पर निदिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रणाली में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्वाय, लेखाओं का अन्तरण, निरीक्षण प्रभारों का सन्वाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जायेगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और तब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना पत्र पर प्रवर्तित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा सदस्य स्कीम के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा नियम को सन्दर्भ करेगा।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि हो जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्धेय रकम उस रकम से कम है जो कर्मचारी को उस वृत्ति में सन्धेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्दिष्टिनी को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का सन्वाय करेगा।

8. सामूहिक स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, देहली के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व, कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुना है, अर्धन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का सन्दाय करने में असफल रहता है, औ पात्रिणी को व्यपगत हो जाने दिया जाता है, तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्दाय में किए गए किसी व्यतिक्रम की वशा में, उन मृत सदस्यों के नामनिर्देशितियों या विधिकारियों को जो यदि य, छूट न की गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्की के अधीन आने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशित विधिकारियों को उस राशि का सन्दाय तत्परता से और प्रत्येक दशा में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/64/83-पी एफ-2/एस एस-2]

S.O. 2957.—Whereas Messrs Shri Ram Vanaspati Manufacturing Works, (formerly known as D.C.M. Vanaspati Manufacturing Works) Shivaji Marg, P. O. Box No. 6219, New Delhi-15(DL/96) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2B) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the regular employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of life insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2B) of section 17 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, S.O. 2004 dated the 14-4-1983 and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the regular employees of the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 30-4-1986 upto and inclusive of the 29-4-1989

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Delhi and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Delhi and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/64/83-PF, II-SS, II]

नई दिल्ली, 6 अगस्त, 1986

का. अ. 2958:—भा. प्र. प्र. 14 महात्मा गांधी रोड, बंगलौर-560001 (के. एन./10639) (जिसे हमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे हमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिलाने के लिए प्रावेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन को कर्मचारी, किसी पथक अभिदाय या प्रीमियम का संदाय किये बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप सहबद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुत्तेय हैं ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा, (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, कर्नाटका को ऐसी विवरणियाँ भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएँ प्रदान करेगा जो केन्द्रीय सरकार, समय समय पर निश्चित करे।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति के 15 दिनों के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा-17 की उपधारा (3-क) के खंड (क) के अधीन समय समय पर निश्चित करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अंतरण, निरीक्षण प्रसारों का संदाय आदि भी है, होने वाले सभी व्ययों का बहुत नियोजन द्वारा दिया जाएगा।

4. नियोजन, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संवत करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि किये जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुत्तेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस वृत्ति में संदेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नाम निर्देशित की प्रतिफल के रूप में दोनों रकमों के अंतर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन प्रादेशिक भविष्य निधि आयुक्त, कर्नाटका के पूर्ण अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहाँ प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्ति-युक्त अवसर देगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं तो, यह छूट रह की जा सकती है।

10. यदि किसी कारणवश नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है और पॉलिसी को व्यपगत हो जाने दिया जाता है तो, छूट रह की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यतिक्रम की दशा में उन मृत सदस्यों के नाम निर्देशितियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो, उस स्कीम के अंतर्गत होते बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक इस स्कीम के अधीन घाने वाले किसी सदस्य की मृत्यु होने पर उसके हक्कावर नाम निर्देशितियों/ विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक वृत्ति में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस - 35014/210/86-एस. एस.-2]

New Delhi, the 6th August, 1986

S.O. 2958.—Whereas Messrs Taj Residency, 14 Mahatma Gandhi Road, Bangalore-560001 (KN/10639) (hereinafter referred to as the said establishment) have applied for exemption under Sub-section (2A) of Section 17 of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Karnataka and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language or the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Karnataka and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/210/86-ES. II]

का. घा. 1959.—मैसर्स-इंडियन आईस्टेफ इंडस्ट्रीज, मुकलाल सैक्टर नरीमन पोस्ट, बम्बई-21 (एम. एच/4395) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है ;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पक्क भविष्य या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदे उठा रहे हैं वे ऐसे कर्मचारियों को उन फायदों से अधिक अनुकूल हैं जो उन्हें कर्मचारी विशेष सहृदय बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुभोग हैं ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के

श्रम मंत्रालय की अधिसूचना संख्या का. घा. 1902 तारीख 2-4-1983 के अनुवर्ण में और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन उक्त स्थापन को, 6-4-1986 से तीन वर्ष की अवधि के लिए, जिसमें 5-4-1989 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त महाराष्ट्र को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संवाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खंड (क) के अधीन समय समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय लेखाओं का अंतरण, निरीक्षण प्रसारों का संदाय आदि भी है, होने वाले सभी व्ययों का बहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उनकी मुख्य शर्तों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम मूल्य वर्ज करेगा और उसकी श्राव्य आय प्रीमियम भारतीय जीवन बीमा निगम को संवत करेगा।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुभोग्य हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस वक्ता में संदेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशितों को प्रतिकर के रूप में दोनों रकमों के अंतर के बराबर रकम का संदाय करेगा।

8. सामूहिक स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त महाराष्ट्र के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का सुचितयुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का संदाय करने में असमर्थ रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो छूट रद्द हो जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यक्तिगत की दशा में, उस मृत सदस्यों के नामनिर्देशितियों या विविध वारिसों का हो यदि यह, छूट न दी गई होती तो उक्त स्कीम के अंतर्गत होने, प्रोवा कायदों के संदाय का उत्तरदायित्व नियोजक पर होता।

12. इस स्कीम के अंतर्गत जाने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशित/विधिक वारिसों को उस राशि का संदाय तत्परता से और प्रत्येक से और दशा में हर प्रकार से पूर्ण जाने की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस-35014(78)/83-पी. एफ. - 2/एस. एस-2]

S.R. 2959.—Whereas Messrs Indian Dyestuff Industries, Mafatlal Centre, Nariman Point, Bombay-21 (MH/4395) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of life insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, S.O. 1902 dated the 2-4-1983 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 6-4-1986 upto and inclusive of the 5-4-1989.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Maharashtra and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premium, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language or the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Maharashtra and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premiums etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014(78)/83-PF. 2-SS-2]

का. घा. 2960.—मैगसेन्दी कोइम्बतूर जिला को. अपरेटिव मिल्स प्रोड्यूसर्स यूनिज लि., वैष्ट मसबनदेय रोड, घार. एम. पुरम, कोइम्बतूर-2 (टी. एन/2614-ए) (जिसे हमने हमने पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी अधिनियम विधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे हमने हमने पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक अधिवाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अंतर्गत जीवन बीमा के रूप में जो कायदा उठा रहे हैं वे ऐसे कर्मचारियों को उन कायदों से अधिक अनुकूल हैं जो उन्हें कर्मचारी निक्षेप सहाय्य बीमा स्कीम, 1976 (जिसे हमने हमने पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुज्ञेय हैं।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के अम संवालय की अधिसूचना संख्या का. घा. 3685 तारीख 19-7-1983 के अनुसरण में और इससे उपबन्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को, 24-9-1986 से तीन वर्ष की अवधि के लिए जिसमें 23-9-1989 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में विरोध प्रादेशिक भविष्य निधि आयुक्त, तमिल नाडू को ऐसी विवरणियाँ भेजेगी और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएँ प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निदिष्ट करे।
2. नियोजक, ऐसे निरीक्षण प्रभावों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उप-धारा (3क) के खण्ड (ग) के अधीन समय-समय पर निदिष्ट करे।
3. सामूहिक बीमा स्कीम के प्रणालन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय लेखाओं का अन्तरण, निरीक्षण प्रभावों का सन्दाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।
4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुसूचक, स्थापन के सूचना-पत्र पर प्रदर्शित करेगा।
5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उक्त नाम पुरस्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दाय करेगा।
6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों का उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा। तब से कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुमोदित हैं।
7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संवेद्य रकम उस रकम से कम है जो कर्मचारी को उस दशा में संवेद्य होती जब वह उक्त स्कीम के अधीन होगा तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशिका को प्रतिकर के रूप में दोनों रकमों के अन्तर के अन्तराल रकम का सन्दाय करेगा।
8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, तमिलनाडू के पूर्व अनुमोदन के बिना नहीं किया जाएगा और अहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का व्यक्तिगत अवसर देगा।
9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले प्राप्त हुआ है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों का प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रह सकती है।
10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत सारोक्त के भीतर प्रीमियम का सन्दाय करने में असफल रहता है, और पालिसी का व्यवहार हो जाने दिया जाता है तो छूट रह सकती है।
11. नियोजक द्वारा प्रीमियम के सन्दाय में किए गए किसी व्ययों की दशा में, उन मृत सदस्यों के नामनिर्देशितियों या विधिक वारिसों की

जो वही मृत, छूट व की गई बातों में इस योजना के अन्तर्गत हो, बीमा कर्मचारियों के साथ ही जो उपलब्धि विधायक पर होगा।

12. इस उक्त के अन्तर्गत जो भी विधिक बदलन ल पुरस्त हों पर भारत सरकार द्वारा किया गया नियम, योजनाएं आदि के हकदार नामनिर्देशित/विधिक वारिसों का उक्त रीति का व्यवहार सरकार से और प्रत्येक दशा में हर प्रकार पूर्ण दावे का प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या-एस-35014(95)/83-पो.एफ.-2/एन.एस-2]

S.O. 2960.—Whereas Messrs. The Coimbatore District Co-operative Mills Producers Union Limited, West Sambandam Road, R. S. Puram, Coimbatore-2 (TN/2614-A) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of life insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, S. 3663 dated the 19-7-83 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 24-9-1986 upto and inclusive of the 23-9-1989.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Tamil Nadu and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language or the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay no cess or premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the

amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Tamil Nadu and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/95/83-PF. II-SS. II]

का.मा. 2961.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन.ए.आर. 10 अगस्त, 1986 को उस तारीख के रूप में निम्न करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के विचार जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के विचार जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध उड़ीसा राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

“तहसील एवं जिला डेन्कानाल में राजस्थान ग्राम डेन्कानाल टाउन (निजगढ़) अमसुआ, बदासथियाबतिया, सनमाथियाबतिया, बनमानो-प्रसाद, बंकुआल, भगवानपुर, महिषापुर, कथागडा, श्यामा चरणपुर, इच्छादेईपुर, कोरिहना, सिमिलिया, गुण्डीचापडा, बाबराताकटेनी और केन्दुखामन के अन्तर्गत आने वाले क्षेत्र।”

[संख्या एम-38013/26/86-एस.एस.-1]

S.O. 2961.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 10th August, 1986 as the date on which the provisions of Chapter IV [except sections 44 and 45 which have already been brought into force] and Chapters V and VI [except sub-section (1) of section 76 and Section 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Orissa namely :—

“The area comprising the revenue villages of Dhenkanal town (Nizgarh), Alsua, Badasathia batia, Sanasathia-batia, Banamaliprasad, Bankula, Bhagabanpur, Mahisapat, Kathagada, Shyamacharanpur, Inchhadeipur, Korihna, Similia, Gundichapada, Babartakateni and Kendukhaman in the Tehsil and District Dhenkanal”.

[No. S-38013/26/86-SS-I]

का.मा. 2962.—राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री के. एस. जंजुआ के स्थान पर श्री एम.एस. बोपाराई, सचिव, पंजाब, स्वास्थ्य एवं कल्याण विभाग को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है।

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.मा. 545 (अ), दिनांक 25 जुलाई, 1985 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, “[राज्य सरकार द्वारा धारा 4 के खण्ड (घ) के अर्जित नामनिर्दिष्ट] शोर्बेक के नांवें महु 22 के नामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“श्री एस. एस. बोपाराई,

सचिव, पंजाब सरकार,

स्वास्थ्य एवं परिवार कल्याण विभाग,

चण्डीगढ़।”

[संख्या यू-16012/7/86-एस.एस.-1]

ए. के. भट्टराई, अवर सचिव

S.O. 2962.—Whereas the State Government of Punjab has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri S. S. Boparai, Secretary to the Government of Punjab, Health and Family Welfare Department, Chandigarh to represent that State on the Employees' State Insurance Corporation, in place of Shri K. Janjua;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 545(E), dated the 25th July, 1985, namely :—

In the said notification, under the heading “[Nominated by the State Government under clause (d) of section 4]”, for the entry against Serial Number 22, the following entry shall be substituted, namely :—

“Shri S. S. Boparai,
Secretary to the Govt. of Punjab,
Health and Family Welfare Department,
Chandigarh.”

[No. U-16012/7/86-SS. I]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 31 जुलाई, 1986

का. मा. 2963.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इलाहाबाद बैंक के प्रबंधन के सम्यक् नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-86 को प्राप्त हुआ था।

New Delhi, the 31st July, 1986

S.O. 2963.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government on the 24th July, 1986.

**BEFORE SHRI R. B. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVT. INDUSTRIAL TRI-
BUNAL-CUM-LABOUR COURT KANPUR.**

Industrial Dispute No. 253/85

Reference No. L-12012/286/84-D.II(A) dated 8-7-85
In the matter of dispute between

Shri Bhagwan Dass C/o The Assist. Gen. Sec-
retary, U. P. Bank Employees Union 36/1,
Kailash Mandir, Kanpur.

AND

The Dy. General Manager, Allahabad Bank,
Hazratganj, Lucknow.

APPEARANCE :

Shri V. N. Sehri—for the workman.

Shri Rajiv—for the Management.

AWARD

1. The Central Govt. Ministry of Labour vide its Notification No. L-1012/286/84-D.II(A) dated 8-7-85 has referred the following dispute for adjudication to this Tribunal;

"Whether the action of management of Allahabad Bank, Lucknow in denying scaled wages, non regularisation in Bank's services and terminating the services of Shri Bhagwan Dass sub-staff with effect from 6-4-82 is justified? If not, to what relief is the workman entitled?"

2. Workman submitted his statement of claim and the management filed written statement thereon.

3. At later stage despite notices to the workman Shri Bhagwan Dass is not present. His representative too has no instructions. It appears the workman does not want to proceed with the case.

ORDER

The reference is ordered in negative for non-prosecution. Let no claim Award be ent to the Govt.

Let six copies be sent to the Govt. for its publication.

17-7-80.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/286/84-D.II(A)]

का. प्र. 2964—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार, इलाहाबाद बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-86 को प्राप्त हुआ था।

S.O. 2964.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government on the 24th July, 1986.

**BEFORE SHRI R. B. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL-CUM-LABOUR COURT KANPUR.**

Industrial Dispute No. 8/86

Reference No. L-12012/32/85-D.II(A) dated 20-12-85
In the matter of dispute between

Shri Bhawan Singh Thapa C/o Shri R. K. Pendey, Authorised Representative, 67/99, Lalkuan, Lucknow.

AND

The Regional Manager, Allahabad Bank,
Hazratganj, Lucknow.

AWARD

The Central Government Ministry of Labour vide its notification No. L-12012/32/D.II/85-D.II(A) dt. 20-12-85 has referred the following dispute for adjudication to this tribunal.

"Whether the action of the management of Allahabad Bank in terminating the services of Shri Bhawan Singh Thapa, Sub-staff Allahabad Bank, Gonda with effect from 22-1-80 is fair and justified? If not, to what relief the workman concerned is entitled?"

2. Workman submitted his statement of claim and the management filed written statement thereon.

3. At later stage parties submitted settlement verified the same before the court and requested for giving award in terms of the settlement.

4. The case was ordered to be decided in terms of settlement.

5. In consequence of the settlement filed and verified before court award is hereby given in terms of settlement as under :—

TERMS OF SETTLEMENT :

1. It is agreed that the workman concerned Sri Bhawan Singh Thapa will be absorbed afresh with prospective date hereafter in the permanent cadre of Peon-cum-Farrash in terms of settlement dated 13-5-1982 arrived at with the All India Allahabad Bank Employee's Coordination Committee.

2. It is further agreed that the workman concerned said Sri Bhawan Singh Thapa voluntarily relinquishes his claim of back wages and/or benefits what-so-ever.

3. It is further agreed that said Sri Bhawan Singh Thapa will be absorbed as aforesaid within one-month of this settlement.

4. Thus this fully and finally resolves the entire matter of dispute under reference.

I, therefore give my settlement award accordingly.

Let six copies be sent to the government for its publication.

Dt. 18-7-86

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/32/85-D.II(A)]

का. भा. 2965.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इलाहाबाद बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-86 को प्राप्त हुआ था।

S.O. 2965.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (1 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government on the 24th July, 1986.

BEFORE SHRI R B SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT KANPUR.

Industrial Dispute No. 4/86

Reference No. L-12012/30/85-D.II (A) : dated 20-12-85

In the matter of dispute between :

Shri Mohd. Azmal C/o Shri R. K. Pandey,
Authorised Representative, 67/99, Lalkuan,
Lucknow.

AND

The Regional Manager, Allahabad Bank, Hazratganj, Lucknow.

AWARD

The Central Government Ministry of Labour vide its notification No. L-12012/30/85-D.II (A) dt. 20-12-85 has referred the following dispute for adjudication to this tribunal.

"Whether the action of the management of Allahabad Bank in terminating the services of Md. Azmal, Ex-peon cum Farash, Colonelganj Branch of Allahabad Bank, Gonda, with effect from 2-20-82 is legal and justified? If not, to what relief the workman concerned is entitled?"

Workman submitted his statement of claim and the management filed written statement thereon.

3. At later stage parties submitted settlement verified the same before the court and requested for giving award in terms of settlement.

4. The case was ordered to be decided in terms of settlement.

5. In consequence of the settlement filed and verified before court award is hereby given in terms of settlement as under.

TERMS OF SETTLEMENT

1. It is agreed that the workman concerned Sri Mohd. Azmal will be absorbed afresh with prospective date hereafter in the permanent cadre of Poen-cum-Farrash in terms of settlement dated 12-5-1982 arrived at with the all India Allahabad Bank Employee's Coordination Committee.

2. It is further agreed that the workman concerned said Sri Mohd. Azmal voluntarily relinquishes his claim of back wages and/or benefits what-so-ever.

3. It is further agreed that said Sri Mohd. Azmal will be absorbed as aforesaid within one month of this settlement.

4. Thus this fully and finally resolves the entire matter of dispute under reference.

I therefore give my settlement award accordingly.

Let six copies be sent to the Government for its publication.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/30/85-D.II(A)]

नई दिल्ली, 1 अगस्त, 1986

का. भा. 2966.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इलाहाबाद बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-86 को प्राप्त हुआ था।

New Delhi, the 1st August, 1986

S.O. 2966.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen which was received by the Central Government on the 24th July, 1986.

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL CUM LABOUR COURT KANPUR.

Industrial Dispute No. 231/85

Reference No. L-12012/28/84D-II.(A) dated 6-8-84

In the matter of dispute between :

Shri Rama Kant C/o P N Tewari, Gen. Secretary, UPBEU, 165 Sohbatiya Bagh, Allahabad.

AND

The Deputy General Manager, Allahabad Bank Hazratganj, Lucknow.

AWARD

The Central Government Ministry of Labour vide its notification no. L-12012/28/84-D.II(A) dt. 8th August 1984 has referred the following dispute for adjudication to this tribunal ;

Whether the action of the management of Allahabad Bank Lucknow in relation to their Hargrah Branch Distt. Mirzapur in terminating the services of Shri Kant Peon cum farrash w.e.f. 23-9-82 is justified? If not to what relief is the concerned workman is entitled?

2. Workman submitted his statement of claim and the management filed written statement thereon.

3. At later stage parties submitted settlement verified the same before the court and requested for giving Award in terms of the settlement.

4. In consequence of the settlement filed and verified before court Award is hereby given in terms of settlement as under :—

TERMS OF SETTLEMENT :

1. It is agreed that the workmen concerned Sri Rama Kant will be absorbed with prospective date here after in the permanent vacancy of Peon-cum-Farrash in terms of settlement dated 13/05/1982 arrived at between the management of Allahabad Bank and All India Allahabad Bank Employee's co-ordination Committee.
2. It is further agreed that the workmen concerned said Sri Rama Kant voluntarily relinquishes his claim of back wages, dues of past services or any right or claim of any benefits connected with past services under the reference.
3. It is further agreed that Sri Rama Kant will submit Bank's printed application form duly completed seeking permanent employment in the Bank's service in the cadre of Peon-Cum-Farrash within a week of this settlement.
4. It is further agreed that Sri Rama Kant will be absorbed as aforesaid within 20 days of submission duly completed Bank's printed application.
5. Thus this fully and finally resolves the entire disputes, in reference No.231/85. I, therefore give my settlement Award accordingly.

Let six copies be sent to the Govt. for publication.

Dt. 17-7-86.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/28/84-D-II(A)]

का.प्र. 2967.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रिय सरकार, व निम्न बैंक आफ इंडिया के प्रबंधन में सम्बन्ध विरोधकों और उनके कर्मचारों के बीच, अनुबंध से निम्नित औद्योगिक विवाद में केंद्रिय सरकार औद्योगिक अधिकरण कानपुर के पंचद को प्रस्तुतित करती है, जो केंद्रिय सरकार को 24-7-86 का प्राप्त हुआ था।

S.O. 2967.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Union Bank of India and their workmen, which was received by the Central Government on the 24th July, 1986.

BEFORE SHRI W. B. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, KANPUR

Adjudication Case No. 242/1985

Reference No. L-12012/145/84-D.II(A) dt. 16th April, 85.

In the matter of dispute between :

Shri Musafir Ram C/o The General Secretary UBEU
C/o Union Bank of India Hotel Gulmarg, Aminabad,
Lucknow.

AND

The Assistant General Manager, Union Bank of India
Hotel Clerk's Awadh Mahatmagaandhi Marg,
Lucknow.

APPEARANCE :

Shri Prasad Shukla—for the workman.

Shri S. N. Mehra—for the Management.

AWARD

1. The Central Government Ministry of Labour, vide its notification No. L-12012/145/84-D.II(A) dated 16th April, 1985 has referred the following dispute for adjudication to this tribunal for adjudication ;

Whether the action of the management of Union Bank of India not confirming Shri Musafir Ram, Clerk Cashier on expiry of probationary period w.e.f. 23rd December, 1981 is justified? If not, to what relief is the concerned workman entitled?

2. It is common ground that the workman was a sub-staff of the management bank and was promoted as clerk after test and interview. The letter of test and interview is ex. 1 on record which shows that a written test was to take place on 28th December 1980 and interview on 29th December, 1980. It was specifically mentioned that the fact you are being called for personal interview on the following or subsequent day does not mean that you have qualified the written test. It was further mentioned that in case you belong to scheduled caste or scheduled tribe you are advised to carry with you a certificate from a competent authority to the fact that you belong to scheduled caste/scheduled tribe community. On the basis of the test and interview the appointment letter dated 12th May, 1981 was issued to the workman from the head office Bombay to the workman with copy to various branches, divisional manager and regional manager with a clause that the workman was to remain on probation for a period of six months from the date he was to report for work as clerk. He was to be posted as cashier-cum clerk at Chhapra. It appears that this letter was not given to the workman Shri Musafir Ram but copy reached to the AGM Varanasi and it was from the zonal office that a letter dated 3rd June, 1981 was sent to Ghazipur main branch enclosing the said appointment letter dated 12th May, 1981. In this it was mentioned that the same was to be handed over to the workman under proper acknowledgement and

that it was directed to relieve him to report at the branch of his posting. It was further mentioned as follows :

In respect of the above mentioned staff we have to inform you that there is no caste certificate on our record before relieving promotion in his favour you are requested to instruct him to produce the caste certificate from the competent authority and after satisfying with the same you may release promotion order in his favour. You are also requested to forward us enquired copy of the caste certificate of the workman of Mr. Musafir Ram for our records.

3. The workman was working in the bank as scheduled caste candidate. The management witness Shri S. N. Mehra has admitted in his cross examination that the workman was working as class 4 employee of the management as scheduled caste candidate, even then it was necessary for him to file the certificate of being scheduled caste from the competent authority. The rider for appearing in the interview was to bring a certificate from a competent authority to the effect that the candidate belong to scheduled caste. It is a matter of common knowledge that the competent authority for issuing such certificate is district magistrate or to whom he delegates his power to that effect. It transpires from the statement of the management witness that the workman was given the promotion order and he joined the clerical cadre, from 22nd June, 1981. Normally he would be completing six months on 22nd December, 1981 and in the normal course after his probation is not extended beyond six months in view of the provision 495 of the Sasri Award he will be deemed to be confirmed on 23rd December, 1981 which is the case of the workman. The workman has no where has shown that he filed required certificate of scheduled caste from the competent authority before joining the clerical cadre on 22nd June, 1981. In the absence of the same the appointment would not be valid good and binding for want of necessary documents going to the root of the appointment. It appears that the workman had not given the said certificate till 22nd June, 1981 and it was on that count that a letter was issued to him by the management on 1st February, 1982 from the personnel department Bombay to the workman drawing his attention to the letter issued by branch manager Ghazipur and also by the Regional Manager's office in which he was required to submit a certificate of being scheduled caste as he was given promotion from his substantive appointment only on this count that he would produce certificate of scheduled caste from a competent authority. The said workman has failed to produce the said certificate despite expiry of six months hence the management calls upon him as to why he should not be reverted to his substantive cadre of the sub-staff in case a satisfactory reply is not received within 7 days from the receipt of this letter thus the appointment given vide letter dated 12th May, 1981 will be recalled and he will be reverted to his substantive cadre. It appears that the workman did submit the required letter within the stipulated time and hence his regular appointment came in effect some time between first to seventh February. The workman was admitted confirmed w.e.f. 1st July, 1982 vide letter ex. 2. On 13th March, 1982 the workman was given a letter ext. W-1, whereby his probation was extended for another six months period from 22nd December, 1981 on which day he had completed six months without giving certificate of SC from the competent authority. This extension was on the ground that he was found slow in work and should show improvement in his work normally this extension should have been given before 22nd December, 1981 i.e. before the expiry of six months probation counting from 22nd June, 1981. His working till 22nd December, 1981 was in view of appointment order which was not complied at all force and was lacking on account of scheduled caste certificate from the competent authority. That discrepancy was completed some times in February, 1982 when his appointment became regular and the management was justified to extend his probation of six months as a matter of fact the probation started from the date he submitted required certificate. The workman was admittedly confirmed within six months w.e.f. 1st July, 1982.

4. The workman did not appear in the witness box and on his behalf Shri Pratap Shukla Deputy General Secretary of the union had given his affidavit evidence. He has stated in his cross examination that he had no knowledge if the work-

man submitted any caste certificate from Harijan Kalyan Adhikari or of competent authority as required.

5. In these circumstances and for the reasons discussed above, I hold that the action of the management was justified in not confirming Shri Musafir Ram Clerk Cashier w.e.f. 23rd December, 1981. The result is that he is not entitled to any relief as claimed.

6. I therefore, give my award accordingly.

7. Let six copies of this award be sent to the Government for its publication.

Dt. 18-7-86

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/145/84-D. II(A)]

का.बा. 2965.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केंद्रीय सरकार, भारतीय स्टेट बैंक के प्रबंधन से सम्बद्ध निवाजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण, कानपुर के पचाट का प्रकाशित करता है, जो केंद्रीय सरकार को 24 जुलाई, 1986 को प्राप्त हुआ था।

S.O. 2968.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on the 24th July, 1986.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR, UTTAR PRADESH

Adjudication No. 41 of 1983

Reference No. L-12012/246/84-D.II(A) dt. 27-6-85.

APPEARANCE :

Shri V. N. Sekhari—for the workman.

Shri Mahesh Chandra—for the Management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/246/84-D-II(A), dt. 27-6-85 has referred the following dispute for adjudication :—

Whether the action of the management of State Bank of India in relation to their Islam Nagar Branch in dismissing Shri Mahesh Kumar Giroti clerk-cum-typist, w.e.f. 9-1-1984, is justified? If not, to what relief the workman concerned entitled?

2. The case on behalf of the workman is that he was appointed as clerk-cum-typist in the management bank in December, 81 and was confirmed at Islamnagar Branch in District Badaun. He was given two memo simultaneously first to explain in the matter of change of posting from Naini to Bareilly and in another memo dt. 18-11-1982 issued to him to explain as to why he did not bring the fact of obtaining final financial assistance from the bank for purchase of a truck and thus gave a false statement in the biodata form. The workman replied this memorandum, on 13-1-1983, by another memo dt. 20-11-82, the workman was asked to advise in writing the college from where he appeared in the LLB examination alongwith the date of the papers which he offered for transmitting to the college authority. This memo is ext. M-8. The bank management vide memo ext. W-5 wrote to the workman as follows :

I understand that you appeared recently in the law

examination. Please advise the correct position.

3. The memo of dated 18-11-82 referred above is ext. M-4 reads as follows:

I understand that you had joined the bank and has also obtained financial assistance from this bank for purchase of truck, you have not brought this to the notice of the undersigned either before or after joining the bank services. I will be glad to have your detailed advice in the matter so that the Regional Manager office may be informed accordingly.

4. There is another memo dated 13-12-82 ext. 6 which reads as follows:

Regional Manager office has advised that you had submitted a false statement in your biodata submitted to the bank in item No. 9 requiring to reply you to disclose if you are in debt, if so, what amount. Reply to which was no. In this connection the enquiry reveals that you were granted an advance of Rs. 1.5 lacs on 6-8-81, please therefore, submit your explanation as to why the facts were not incorporated in the biodata form submitted by you on 18th September, 1981.

5. The management after obtaining the reply terminated the services of the workman on 9-1-84 under provisions of para 522(i) of the Sastri Award after paying retrenchment compensation etc. by way of abandoned person as to the mind of the management as it was a case not involving disciplinary action for misconduct.

6. The management in its written statement raised preliminary objection on spouser. The contention is repelled on the ground that it is a case of termination in which workman alone could bring the industrial dispute, moreover, in the instant case matter was raised by Dy. General Secretary, State Bank of India Staff Association, before the conciliation who referred the dispute to the government and gave its failure report vide ext. W-14. It is admitted to the management that the workman was appointed as clerk-cum-typist at its Islamnagar Branch w.e.f. 24-2-82 on the basis of interview and biodata submitted by him in the prescribed form dt. 18th September, 1981 duly signed by him. In State Bank of India, Regional Manager, being the competent authority for the branches under their administrative control have been notified and nominated as disciplinary authority as well as manager for purposes of taking disciplinary action and passing final orders, taking all their action under the bank award.

7. The workman Shri Mahesh Kumar Giroti clerk-cum-typist before joining the bank as such was sanctioned and availed medium term loan of Rs. 1.5 lacs for purchase of a truck by State Bank of India Chandusi Branch on 6-8-81 in the biodata form submitted by workman Shri Giroti made a false declaration at serial No. 9 which required the applicant to state whether or not he was indebted, if so, what amount. The workman had replied in negative against that column. According to the management if the correct facts would have been disclosed by the workman about his indebtedness, the bank would not have given him appointment. This appointment of the workman concerned in the bank on false declaration was void ab initio and liable to be cancelled straight away. It is further averred that besides the said fact of the workman alongwith certain other acts and omission also given clause to the management for loss of confidence in him particularly in financial institution like state bank of India where confidence and absolute confidence only counts. His services were therefore, terminated by way of simple discharge not amounting to disciplinary action under para 522(i) of Sastri award vide order dt. 9-1-84, of Regional Manager being competent authority.

8. It is further averred that although section 25F of the industrial dispute act was not attracted to the facts of the present case by way of abandoned caution full retrenchment compensation payable to the workman alongwith three months salary in lieu of notice had been paid and before passing final orders the workman concerned was served with memoranda, 11/202 and 254 dated 17-11-82 and 18-12-82 seeking his clarification and various incriminating material revealed against him and after giving due consideration to his reply which was found highly unsatisfactory.

9. The management has filed 14 documents per list dt. 17-12-85. Ext. M1 is declaration form dt. 18th September, 81 in which column 9 against the question 'if you are in debt, if so, to what amount and why it was taken, the reply is no.' M2 is appointment letter dt. 18-12-81. M-5 is the memo dt. 17-11-82 asking him why he did not join at the place of posting at Naini Branch after taking training at Kanpur and that without submitting application for leave at Naini branch, he has sought extension of time to unable him to join duties. Ext. M6 is reply wherein he explained on account of his father's illness he could not join and that he joined duty on 27-1-82 and the period in between was allowed as extra ordinary leave. Ext. M7 is memo dt. 18-12-85 referred above, Ext. M8 is reply of the workman to the memorandum dt. 18-12-82 referred above and averred therein that misconduct seems to be on account of inadvertent and not some thing deliberately on his part when the biodata form was filled in haste and he might have answered the query in negative erroneously considering the bank's query to apply only in case of outside borrowing from private money lenders. Ext. M-10 is the discharge letter accompanied by cheque for three months pay and retrenchment compensation. In support of its case the management filed affidavit evidence of Shri Anand Swarup Bhasin, stating the case of the management. He also stated that besides said conduct of the workman there had been other acts and omission also giving cause to the bank for loss of confidence in him.

10. In cross examination he stated that for award staff acts and omission appearing in para 2F of his affidavit he meant that the workman appeared in LLB examination without taking permission of the management and besides that there is no other acts of omission. He admits that no departmental enquiry was held and in the end he said he will not be able to say if incurring the same may amount to major or minor misconduct.

11. The workman has filed his own affidavit and has testified the averments of his written statement. Besides other facts averred therein he has stated that incurring debts to an extent considered by the management excessive as a minor misconduct. It is mentioned here that question of this nature of minor misconduct may arise if the workman have been appointed and incurs debt as a employee of the management.

12. In cross examination the workman admitted to having filled the biodata form Ext. M1. He also admitted to have appeared in LLB examination during his service period, the centre of which was Muradabad when he was in Islamnagar branch. He further admits that he did not take permission for studying in LLB or appearing in the examination, from the management. He has further admitted that he did not take leave stating that he was going to Muradabad for appearing in the examination rather he had taken leave stating that he was going on leave for urgent work. He admits that at the time of filling biodata form he was indebted and that was with State Bank of India and none else and a loan of Rs. 1.5 lacs was taken in his name for family business. He has further admitted that after his training at Kanpur he got letter of posting for Naini Allahabad but he did not join there. He has denied the management's suggestion stating that it would be wrong to say that he deliberately given wrong biodata in not disclosing his indebtedness as he thought it related to some other indebtedness and not granted with State Bank of India. In the end he stated that he did not know that permission was necessary.

13. The workman was dismissed from the service from 9-1-84. The workman was paid three months notice pay in view of the provision of the section 522(i) of the Sastri Award being a permanent employee. As the termination for any reason whatsoever is mostly considered retrenchment, the management by way of abandoned caution also paid retrenchment compensation.

14. It is argued by the counsel for the management that a person who had taken a loan of not a small amount but a amount of Rs. 1.5 lacs from the State Bank of India itself would not considered himself indebted if enquired if he was indebted by some. According to him his explanation that he erroneously gave the answer in negative taking that the bank's query was applicable only in cases outside borrowing

from the private money lenders. I am not inclined to believe the workman on this point, when a man who has himself incurred debt and taken loan of 1.5 lacs for purchase of truck from State Bank of India would forget this fact that he is indebted, when a simple question put to him if he is indebted or so, to what amount. His reply in negative in the form was deliberate concealment of a fact and his appointment would be vitiated on that very ground of suppressive viz. i.e. suppression of a truth and suggestion false i.e. making false representation. This false statement will go to the route of the appointment rendering the appointment illegal on that count only.

15. It has been argued by the counsel for the workman that this false declaration or indebtedness of the bank amounted to misconduct and there should have been a proper domestic enquiry and in the absence of the same the termination is illegal. He has further argued that even loss of confidence amounts to a stigma and the workman should not have been terminated without stigma being properly enquired and on proofs punishment given. In support of his contention he has referred me a ruling *Chandu Lal Versus Management M/s. Pan American World Airways Corporation* 1985 Lab. IC 1225 wherein it was held;

Want of confidence in an employee does point out to an adverse facet in his character as true meaning of allegation is that the employee has failed to behave upto expected standard of conduct which has given rise to a situation involving loss of confidence. In such circumstances termination would not amount to retrenchment and disciplinary proceedings were necessary as condition precedent to initiation of termination as measure of punishment.

The management has not levelled any stigma to misconduct during his tenure of his service rather the management has come forward with a case that the workman obtained appointment admittedly on false declaration, thus this ruling will not apply to the facts of the present case.

16. Ruling of *Anoop Jauhal Versus Govt. of India* 1984 Lab. IC page 543 also does not apply to the facts of the present case as in the instant case the form or order is not merely on camouflage for an order of dismissal for misconduct and in such cases it is always open to the court before which the order is challenged to go beyond the form and ascertain the true character of the order, if the court held that the order though in the form is merely determination of employment is really a cloak for an order of punishment the court would not be debarred merely because the form or order in giving fact to the right confirmed by law upon the employee. In the instant case there is no question or any camouflage the fact of indebtedness is admitted and the management is within its right to terminate the services of a permanent employee in view of provision of para 522 (i) of *Sasuri Award*.

17. It is on similar ground that the law laid down in 1962 II LLR page 646 *Central Bank of India Versus State of Jammu and Kashmir* will not apply to the facts of the present case.

18. On the other hand the law laid down in *Municipal Corporation of Greater Bombay Versus PS Molvankar SC Civil Appeal No. 3161 (L) 1977* decided on 5-5-78 wherein it was held ;

That in this case no misconduct was alleged against the concerned workman nor was any misconduct made a foundation for passing the order of termination. The order of termination was clearly not passed by way of punishment, the concerned employee for any misconduct, the view that the service of the concerned employee was not satisfactory was undoubtedly passed on past incident set out in the record but for which of this incidents in one form or another had already meted out to her and it was not by way of punishment for any of those incidents, because as gathered from these incident her record in service was unsatisfactory that her services were terminated by the management under relevant standing orders.

The representative for the management refers me also the following two rulings ;

1. *Workman of Hindustan Steel Versus Hindustan Steel Ltd.* 1985 SCC L&S 260.
2. *West Bengal State Electricity Board Vs. Deshbandhu Ghosh* 1985 SCC (L&S) 607.

It was held in the case of workman of Hindustan Steel Ltd. ;
Where an order casts a stigma or affects livelihood before making the order practice of natural justice normally a reasonable opportunity to present one's case and controvert the evidence must have full play.

In the instant case before passing the termination order his attention was drawn to his declaration in para 9 of the declaration form and that said declaration was false and if he had to say any thing the workman did reply that it was inadvertently given considering the enquiry related to some other banks. This was sufficient compliance with principles of natural justice. Thus it was a case of obtaining service on false declaration and hence appointment not legal. There was nothing left for a domestic enquiry as the matter was admitted and the only explanation was inadvertence and wrong thinking which was not acceptable reasonably. Moreover, the memo enquiring if he made the declaration when fact; were otherwise was not a stigma or even if it was so it was admitted thus principles of natural justice were fully complied with. No fruitful purpose would have been served had the workman served with a memo of charges and enquiry held, as the result of enquiry was obvious on account of admission and taking shelter under the garb of inadvertence and wrong consideration which could not have been accepted in the circumstances of the case, moreover, in view of admission it was not proper to hold any enquiry.

Now coming to the ruling No. 2, any arbitrary or unreasonable action of an authority under act held would be violative of article 14 of the Constitution. *State Bank of India* has been held to be a state within the meaning of article 12 of the constitution. No doubt para 522(i) if used as blanket power for termination would be naked bite and fire rule, but where before termination it is assumed by making explanation of the workman that since in the management workman was obtained by false declaration and that if correct facts had been disclosed the workman would not have got the service is enough compliance of principles of natural justice by allowing reasonable opportunity to explain and only not finding any reasonable explanation, the management coming to the conclusion that services were obtained by false declaration, and the employment itself will not be a legal valid employment. Thus article 14 of the constitution was not infringed.

In these circumstances and for the reasons discussed above, I hold that the action of the management of State Bank of India in relation of its Islamabad Branch in dismissing the workman Shri Mahesh Kumar Giroti w.e.f. 9-1-84 is justified.

I, therefore, give my award accordingly.

Let six copies of this award be sent to the Government for its publication.

Dr. : 18-7-85.

R.B. SRIVASTAVA, Presiding Officer
(No. L-12012/246/84, D. II (A))
N. K. VERMA, Desk Officer

बई दिल्ली, 1 अगस्त, 1986

क्र.सं. 2969—सुनतन मजदूरी अधिनियम, 1948 (1948 का 11) की धारा 27 द्वारा प्रत्यक्ष शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, अधिनियम लागू करने के लिए आवश्यक है कि अधिनियम की धारा 27 के भाग I में जोड़ दी है जिसके द्वारा एक बार की प्रतीक्षा के अवसर पर, ऐसा करने के अपने द्वारा की प्रतीक्षा दिनांक 13 अक्टूबर, 1985 के भारत के राजपत्र भाग II, खंड 3, उप खंड (ii) में प्रकाशित भारत सरकार के

श्रम मंत्रालय की अधिसूचना (अ.सं. 3266, तारीख 24 जून, 1985 द्वारा दी गई थी।

[एन-32019/1/84-वर्क्यू.सा. (एम. वल्यू)]

ए. के. लुथरा, उप सचिव

New Delhi, the 1st August, 1986

S.O. 2969.—In exercise of the powers conferred by section 27 of the Minimum Wages Act, 1948 (11 of 1948), the Central Govt. hereby adds to Part-I of the Schedule to that Act, the employment in Uranium Mines, notice of its intention to do so having been given, by the notification of Government of India in the Ministry of Labour Number S.O. 3266 dated the 24th June, 1985 published in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 13th July, 1985 as required by the said section.

[No. S-32019/1/84-WC(MW)]
A. K. LUTHRA, Dy. Secy.

श्रम मंत्रालय

नई दिल्ली, 6 अगस्त, 1986

आ. स. 2970.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, लोकेश्वर क्षेत्र नं. III में भारत कोकिंग कोल लि. की धर्मबाण्ड कोलियरी के प्रबंधकों से सम्बन्धित विवादों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक हस्तिकरण, नं. 1, धनबाद के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-1986 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 6th August, 1986

S.O. 2970.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dharmaband Colliery in Govindpur Area No. III of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 29th July, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 17 of 1982.

PARTIES :

Employers in relation to the management of Dharmaband Colliery in Govindpur Area No. III of Messrs Bharat Coking Coal Limited, Post Office Sonardih, Dist. Dhanbad.

AND

Their Workmen.

PRESENT :

Shri I. N. Sinha, Presiding Officer.

APPEARANCES :

For the Employers : Shri S. B. Rai, General Manager, Govindpur Area.

For the Workmen : Shri J. D. Lal, Advocate.

STATE : Bihar INDUSTRY : Coal
Dhanbad, dated, the 22nd July, 1986

AWARD

The present reference arises out of Order No. L-20012 (345/81-D.III(A), dated the 16th February, 1982, passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

"Whether the demand of the workmen of the Dharmaband Colliery of Govindpur Area No. III of Messrs Bharat Coking Coal Limited, Post Office Sonardih,

District Dhanbad for re-employment of the 28 Stone Cutters named in the Annexure below is justified? If so, to what relief are the concerned workmen entitled?"

ANNEXURE

1. Alam Sheikh
2. Nadir Shaikh
3. Md. Hussain Sheikh
4. Arjun Dom
5. Razak Hussain
6. Sahdeo Mahto
7. Bishwanath Gossain
8. Shyam Lal Gossain
9. Saraz Sheikh
10. Budhan Rewani
11. Koshan Gossain
12. Saligram Gossain
13. Sahid Sheikh
14. Ram Naresh Pd. Sinha
15. Narayan Rewani
16. Ramphal Mahto
17. K. P. Singh
18. Sita Ram Dushad
19. Ram Praveesh Singh
20. Suresh Dushad
21. Chandeshwar Pd.
22. Kamta Paswan
23. Ram Janam Dusadh
24. Girija Dusad
25. Kangahu Thakur
26. Lazmi Prasad
27. Brijlal Biswakarama
28. Haque Khan.

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the Award.

3. Let a copy of this award be sent to the Ministry of Labour as required under Section 15 of the Industrial Disputes Act, 1947.

Dt. : 22-7-86

I. N. SINHA, Presiding Officer
[No. L-20012/345/81-D. III. A]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

Reference 17/82

Employers in relation to the Management of Dharmaband Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their Workmen represented by the Secretary, Bihar Colliery Kamgar Union.

The Ministry of Labour vide Order No. L-20012/345/81/D. III(A) dated 16th February, 1982 referred the above dispute before the Central Government Industrial Tribunal No. 1, Dhanbad for adjudication. The Union's demand in the instant case is for re-employment of 28 Stone Cutters whose names are shown in the Annexure to the Schedule. The matter has been discussed in length by the Management and the union concerned and it has been decided by both the parties to amicably settle the matter on the following terms and conditions in the light of policy decision taken by the company in order to remove the shortage of Miners/Loaders in BCCL.

TERMS AND CONDITIONS OF SETTLEMENT

1. That it has been agreed to offer persons concerned in reference 17/82 whose names are mentioned in the list enclosed herewith, re-employment as Miner/loader with immediate effect on fresh basis.
2. That, they will be paid Group VA wages as prescribed under NSWA-III.
3. That, they will not be entitled to any back wages for any period upto the date of their re-employment as Miner/Loader.
4. That, they will be medically examined by the Medical Board for ascertaining their physical fitness for the job of Miner/Loader.
5. That, persons involved in the agreement will be below 40 years of age and should not be more than.
6. That, this agreement is in full and final settlement of the matter.
7. That, the concerned union representative Shri Manbodh Mahato and contractor Sri Saikh Alam shall furnish certificate regarding genuineness of the persons on individual basis. The person concerned will also file affidavit individually as shown in support of their genuineness and five copies of pass-port size photograph duly verified and attested by Shri Manbodh Mahato and Seikh Alam mentioning therein the name, Father's name, home address etc. All the persons to be offered re-employment as Miner/Loader in the instant case will report for duty by 25th of July, 86 to the Govindpur Area Management alongwith documents, photographs mentioned in clause.

That as the matter has been settled amicably both the parties agreed to jointly file five copies of the settlement before the Central Govt. Industrial Tribunal No. 1, Dhanbad requesting for holding the terms of settlement as fair and proper and pass Award in terms of the settlement.

For Union :

Sd./-
(Manbodh Mahto),
Secretary, B.C.K.U.

For Employers :

Sd./-
(S. B. Rai)
General Manager,
Govindpur Area.

Sd/
(J. D. Lal). Advocate
Dhanbad.

Witnesses :—

1. Sd./- (Illegible).
2. Sd./- (Illegible).

ANNEXURE

LIST OF PERSONS CONCERNED

1. Alam Sheikh
2. Nadir Sheikh
3. Md. Hussain Sheikh
4. Arjun Dom
5. Razak Hussain
6. Sabdeo Mahato
7. Bishwanath Gossain

3. Shyam Lal Gossain
9. Saraz Sheikh
10. Budhan Rewani
11. Koshan Gossain
12. Saligram Gossain
13. Sahid Sheikh
14. Ram Naresh Pd. Sinha
15. Narayan Rewani
16. Rampal Mahato
17. K. P. Singh
18. Sita Ram Dushad
19. Ram Pravesh Singh
20. Suresh Dushad
21. Chandeshwar Pd.
22. Kamta Paswan
23. Ram Janam Dushad
24. Girja Dushad
25. Kangahu Thakur
26. Laxmi Prasad
27. Brijlal Bsiwakarma.
28. Haque Khan.

का. धा. 2971.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारत कोकिंग कोम लि. की भटडीह कोलियरी के प्रबंधन से सम्बन्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-1986 को प्राप्त हुआ था।

S.O. 2971.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhatdee Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 29th July, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 54 of 1985

In the matter of Industrial Disputes under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Bhatdee Colliery of M/s. B.C.C. Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri J. D. Lal, Advocate.
On behalf of the employers.—Shri G. Prasad, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 21st July, 1986

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/345/84-D.III (A), dated, the 13th May, 1985.

SCHEDULE

"Whether the action of the management of Bhatdee Colliery of Messrs Bharat Coking Coal Limited in not providing employment to Smt. Taj Bibi, wife of late Shri Noor Mohammed, Shale Picker, Bhatdee Colliery, as per provisions of clause 10.4.2 of the National Coal Wage Agreement-II is justified? If not, to what relief she is entitled?"

The case of the workmen is that late Noor Mohammed was employed in Bhatdee Colliery since before nationalisation of the said colliery as Shale Picker and he was a perma-

ment workman. In 1976 Late Noor Mohammed along with Shri Gulam Mohammed were verbally transferred to the post of wagon loader by the management of Bhatdih colliery from the post of shale picker. They refused to work as wagon loader as the order was illegal and unjustified. They raised an industrial dispute in respect of the stoppage of their work of shale picker before the ALC(C), Dhanbad through their union namely Bihar Colliery Kamgar Union. The conciliation ended in failure and a report to that effect was submitted by the ALC(C), Dhanbad to the Central Government. The Central Government refused to refer the said industrial dispute to the Tribunal for adjudication as in the opinion of the Government there was no stoppage of work of those two workmen. After the receipt of the Ministry's letter refusing to refer the dispute to the Industrial Tribunal for adjudication, late Noor Mohammed along with Gulam Mustafa made a representation to the management to allow them to resume their duties as wagon loaders but the management did not give them duties as a result of which they remained absent from duty. Late Noor Mohammed approached the management several times to allow him to resume his duties but the management refused to allow him to resume his duties. Noor Mohammed died on 4-1-80 while still in service as till then the services of the late Noor Mohammed had not been terminated or dismissed from service although he could not work as he was not allowed to resume his duties by the management. Smt. Taj Bibi is the wife of late Noor Mohammed who is entitled to get employment under the provisions of clause 10.4.2 of NCWA-II as a dependent widow of late Noor Mohammed. She approached the management to provide her with employment in place of her late husband but the management refused to provide her with employment. Thereafter an industrial dispute was raised by the union on her behalf which was subsequently referred to this Tribunal for adjudication by the Central Government. The action of the management in not providing employment to Smt. Taj Bibi being dependent of late Noor Mohammed is unjustified and violates the provisions of Clause 10.4.2 of NCWA-II. It is prayed that she may be given employment by the management.

The case of the management is that Koyala Mazdoor Union which has sponsored the present industrial dispute has no following in the industrial establishment of the management to raise the dispute of the workmen employed in Bhatdih Colliery. The concerned lady Smt. Taj Bibi is not a workman within the definition of Section 2(s) of the I. D. Act and as such there can be no industrial dispute between the management and the person who is an employee of the management. Late Noor Mohammed was not employed as a shale picker in Bhatdih Colliery and was a casual wagon loader. Late Noor Mohammed was offered the job of casual wagon loader which he did not accept. He did not work during the years 1978 to 1980. The concerned lady cannot claim the benefit of clause 10.4.2 of NCWA-II as Noor Mohammed died while he was not in service. As late Noor Mohammed did not die while in service, the concerned lady cannot claim the benefit as dependent wife of late Noor Mohammed. The claim of the concerned lady is not justified and the action of the management in not providing her job is fully justified. While Noor Mohammed was alive the industrial dispute was raised before the ALC(C) Dhanbad with regard to the alleged termination of his employment on a report of a failure submitted by the ALC(C). The Government was satisfied that Noor Mohammed was only a casual workman and therefore the dispute was refused to be sent for adjudication by the Tribunal. Now the industrial Tribunal cannot embark to adjudicate with regard to the alleged termination of employment of Shri Noor Mohammed who was a casual wagon loader. On the above plea it is submitted that the action of the management in not providing employment to Smt. Taj Bibi wife of late Noor Mohammed as per provisions of Clause 10.4.2 of NCWA-II is justified and Smt. Taj Bibi is not entitled to any relief.

The point for decision is whether Smt. Taj Bibi is entitled to be employed as a dependent wife of late Noor Mohammed Shale Picker as per provision of Clause 10.4.2 of NCWA-II.

The management examined three witnesses and the workmen examined four witnesses in support of their respective cases. The management produced documents which have

been marked Ext. M-1 to M-21 and the documents of the workmen have been marked Ext. W-1 to W-3.

After going through the evidence of the parties now it is admitted fact that late Noor Mohammed was employed as a shale picker in Bhatdih colliery and that he had also worked as Chain Mazdoor in Category I in the underground. Ext. M-15 is the comment of the management dated 27-4-77 filed before the ALC(C), Dhanbad when an industrial dispute had been raised by the union on behalf of the Noor Mohammed. It will appear from the said comment of the management that Noor Mohammed was working as casual shale picker at Bhatdih Colliery and was getting the wages of Cat. I and that his services were utilised as and when required to fill up sick/leave vacancy in other department such as survey section as well as tub cleaning and shale picking whenever extra wagons were placed at the siding. It will also appear from it that in October, 1976 the management took a policy decision not to keep any casual worker in any trade except wagon loading and as such those casual workers who had put in qualifying attendance of 240/190 days against a particular post in a calendar year were to be regularised as permanent workers in the specific jobs and the remaining casual workers i.e. those who put in qualifying attendance but worked in different jobs and also those who did not put in qualifying attendance were to be offered employment as casual wagon loaders. Such policy of the management was implemented in all the collieries of BCCL. As per the said policy Noor Mohammed who had less than 240 days attendance in a year and had worked against different jobs was offered work as casual wagon loader. The management had not stopped the work of Noor Mohammed and that the management had offered employment of Group III wages to Shri Noor Mohammed. The management has also given the total number of attendance of Shri Noor Mohammed for the years 1973 to 1976. Thus from this letter itself it is established that late Noor Mohammed had worked as casual shale picker/chain mazdoor in the survey section till prior to October, 1976 and that thereafter Noor Mohammed was offered to work as casual wagon loader as he had not completed 240/190 days attendance in a year and had not worked on a particular post.

WW-2 Gulam Mustafa used to work along with Noor Mohammed in Bhatdih colliery in survey department as chain mazdoor. He has stated that after 1976 Noor Mohammed had not worked till 1980. It is admitted fact that Noor Mohammed did not work after September, 1976 since when he was offered to work as casual wagon loader till the time of his death on 4-1-80.

The case of the management is that Smt. Taj Bibi widow of late Noor Mohammed cannot claim to be employed as dependent widow of late Noor Mohammed as Noor Mohammed was not in service at the time of his death.

The provision of employment to dependents is dealt with in clause 10.4.1 to clause 10.4.4 of NCWA-II. It will appear from Clause 10.4.1 that employment was to be provided to one dependent of workman who meet with the death while in service. From clause 10.4.2 it will appear that wife is a dependent for the purpose of those clause. As the evidence stands it is admitted fact that Noor Mohammed did not work from September, 1976 till his death. During his life time the union had raised an industrial dispute on his behalf and on a failure report being submitted by the ALC(C) before the Central Government the Government was pleased to reject the prayer of the union for referring the said industrial dispute for adjudication. Ext. M-20 dated 1-10-77 is the letter of the Government in respect of the industrial dispute in Bhatdih Colliery over alleged illegal arbitrary and unjustified stoppage of work of Noor Mohammed. It will appear from this letter that the Government of India decided not to refer the above dispute to the industrial Tribunal for adjudication as prima facie there was no case for reference for the reason that the workman being casual workman was offered the job of casual wagon loader, which was not acceptable to him and as such there was no stoppage of work as alleged by the union. There was one another person whose case was also dealt with by the union along with Noor Mohammed and the said person Gulam Mustafa has been examined in this case as WW-2. Gulam Mustafa WW-2 has stated that he along with Noor Mohammed used to work in survey department as a chain mazdoor regularly as permanent mazdoor. He has further

stated that in 1976 the management asked them to work as casual wagon loader to which they refused to work and thereafter a dispute was raised through their union and the government refused to refer the said dispute for adjudication. He has stated that he along with Noor Mohammed thereafter represented before the management for giving work and in the meantime Noor Mohammed died in January, 1980 when the matter was still pending before the management for their employment and that in September, 1980 Gulam Mustafa was given employment in Murulidih colliery as Fitter. It is clear therefore that Noor Mohammed did not work after 1976 till his death. The case of the workmen is that although Noor Mohammed did not work after 1976 till his death it will be deemed that he was in service of the management has no order of termination of dismissal of his service was passed by the management. It is true that no formal order had been passed by the management terminating the services of the concerned workman. But it is clear from the materials on record that Noor Mohammed was a casual workman and he had worked in different sections namely as Shale Picker and Chain Mazdoor in survey section. Hence even if he had completed attendance of 240/190 days either on the survey or in the underground he could not have been regularised and made permanent in accordance with the circular Ext. M-16. Ext. M-16 provides that this time rated or piece rated (other than wagon loader etc.) who have worked for 240/190 days of service in underground as the case may be in one particular job during 1975 and has continued to work in 1976 shall be made permanent in that particular job of category with effect from 1st of October, 1976. The case of Noor Mohammed is not covered under this clause as he had worked in more than one job. It is further stated that the above provision will not be applicable to such casual workers who put in 240/190 days attendance but worked more than one job during the period either on the surface or under ground and was not entitled to be regularised and according to clause II of Ext. M-16 his services were to be utilised as casual wagon loader and accordingly Noor Mohammed was offered the job of casual wagon loader which he refused to accept. It is stated in the WS. of the workmen that when the industrial dispute raised by the union on their behalf the Government did not refer the dispute for adjudication, Noor Mohammed approached the management for giving him the job of casual wagon loader and then the management did not employ him as a casual wagon loader. It is clear therefore that Noor Mohammed only wanted to be a casual wagon loader and a casual wagon loader is not entitled to get work regularly and he could not be permanent workman of the management. When the services of Noor Mohammed as itself of a casual nature the union cannot demand a job for his dependent. The provision of Clause 10.4.2 in my opinion cannot be taken advantage of by the dependent of a casual workman whose services itself is of casual nature. I hold therefore that Noor Mohammed as not in service of the management at the time of his death and as such Smt. Taj Bibi cannot claim employment from the management as dependent of Late Noor Mohammed.

The management has raised a point that the union which has sponsored the dispute has no following in the Bhatdih Colliery and as such it cannot raise an industrial dispute. The workmen have produced Ext. W-1 dated 10-8-81 which is the record notes of discussions between the Dy. Chief Personnel Manager and Shri Ramdas Singh, General Secretary, Koyala Mazdoor Union. The notes further show that the union had raised the dispute in respect of Noor Mohammed in Sl. No. 5 of the demand and that the management had stated that if his case is covered under NCWA-II order shall be issued within a month. It is clear therefore that the management were recognising Koyala Mazdoor Union and were having discussion relating the labour problems and now it cannot be said that the said union had no standing or was not representing the workmen of Bhatdih Colliery.

It is submitted that Smt. Taj Bibi is not a workman within the definition of Section 2(s) of the I. D. Act and as such there can be no industrial dispute. Where the workmen raised a dispute against their employer the person or persons regarding whose employment the dispute is raised need not be, strictly speaking "workmen" within the meaning of the Act but must be persons in whose employment the workmen as a class have a direct or substantial interest. The definition of the expression industrial dispute is wide enough to cover a dispute raised by the employer's workmen

in regard to the non-employment of others who may not be his workmen at the material time. The expression "Any person" in Section 2(k) means a person in whose employment or non-employment or terms of employment or condition of labour the workmen as a class have a direct or substantial interest with whom they have, under the scheme of the Act a community of interest. In the present case it will appear that vide Clause 10.4.2 a dependent of a deceased employee is to get employment and this has become the terms and condition of service of a workman and as such the workmen in general have direct and substantial interest. When such dispute is raised by the workmen it is a dispute about the terms of their own employment though incidentally the terms of employment of those who were not workmen were involved. As the matter has a direct and substantial interest because the same question may arise in the case of any of the workmen. Such a dispute is a real dispute between the workers union and the management. I hold therefore that the present dispute is an industrial dispute.

In the result, I hold that the action of the management of Bhatdih Colliery of Messrs Bharat Coking Coal Limited in not providing employment to Smt. Taj Bibi wife of late Shri Noor Mohammed, Shale Picker, Bhatdih Colliery, as per provisions of clause 10.4.2 of the National Coal Wage Agreement-II is justified and consequently she is not entitled to any relief.

This is my Award.

J. N. SINHA, Presiding Officer
[No. L-20012/375/84-D.III (A)]

का. आ. 2972.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार, टाटा आयरन एण्ड स्टील कंपनी लि. की गवाही कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुसूच में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-7-1986 को प्राप्त हुआ था।

S.O. 2972.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Digwadih Colliery of M/s. Tata Iron and Steel Company Limited and their workmen, which received by the Central Government on the 28th July, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 91 of 1984

PARTIES :

Employers in relation to the management of Digwadih Colliery of M/s. Tata Iron and Steel Co. Ltd.

AND

Their Workmen.

PRESENT :

Shri I. N. Sinha, Presiding Officer.

APPEARANCES :

For the Employers—Shri S. K. Tripathi, Personnel Officer.

For the workmen—Shri H. K. Sahay, Secretary, Rashtriya Colliery Mazdoor Sangh, Digwadih Branch.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 18th July, 1986

AWARD

The present reference arises out of order No. L-20012/309/84-D.III (A) dated, the 22nd November, 1984 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter

of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

"Whether the action of the management of Digwadih Colliery of M/s. Tata Iron and Steel Co. Ltd. Post Office Jamadoba, Dist. Dhanbad in dismissing from service their workmen, whose names are given in Annexure below, in October, 1983 was justified? If not, to what relief these workmen are entitled?"

ANNEXURE

1. Shri Suresh Prasad,
Category I Mazdoor
2. Shri Ali Kalam,
Conveyor Khalasi.
3. Shri Ramaley, Miner,
4. Shri Upendra Singh, Miner.
5. Shri Bhola Ram, Miner,
6. Shri Rajmuni Sao, Miner,
7. Shri Ram Harijan, Miner.
8. Shri Atique Khan,
Scraper Crew.
9. Shri Kanhaiya,
Pipe Mazdoor.
10. Shri Mohd. Muslim,
Category I Mazdoor.
11. Shri Mustakim Mia,
Miner.
12. Shri Washim Ahmed,
Category I Mazdoor.
13. Shri Shah Nawaj Khan,
Piece rated Mazdoor.

2. There are 13 workmen involved in this case, out of which the dispute of eight workmen, namely, S/Sri Suresh Prasad, Ali Kalam, Kammoly, Upendra Singh, Rajmuni Sao, Sriram Harijan, Atique Khan and Md. Muslim, have been settled out of Court and a memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry of Labour as required under Section 15 of the Industrial Disputes Act, 1947.

Dated : 18-7-1986.

I. N. SINHA, Presiding Officer
[No. L-20012/309/84-D.III (A)]

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1,
DHANBAD

Reference No. 91 of 1984

PARTIES :

Employer in relation to the management of Digwadih Colliery of M/s. Tata Iron and Steel Co. Ltd., P.O. Jamadoba, Dist. Dhanbad.

AND

Their workmen.

The parties involved in this dispute beg to submit as under :—

- (1) That the cases of the concerned 13 workmen in the present reference have been taken up by the recognised union in the establishment of the employers namely, Rashtriya Colliery Mazdoor Sangh.

A discussion between the representatives of the management and the union was held on different occasions and finally with the Director of Collieries (I) in his office on 20-6-1986.

2. That during the discussion, it was contended by the union that the 10 workmen out of 13 workmen in the reference were not directly involved in the assault and the circumstances were such which had led to such an untoward

incident. The management has awarded punishment of dismissal to those who were directly involved in assault on the Agent of Digwadih Colliery on 2-9-1983 and also to those who were not directly involved in the same along with other charges.

3. That a long time has elapsed since the dismissal and considering the hardship which is not commensurate with the offence committed by these concerned workmen their cases should be reviewed. The Union further contended that the same punishment of dismissal should not have been awarded to both the categories mentioned above. They requested that the management should review the cases pertaining to the ten workmen as mentioned above.

4. That after a detailed discussion and considering the above contention of the union, the management decided to consider the cases of these 10 workmen in this reference who were not chargesheeted for assaulting Sri D. N. Abrol. Accordingly a compromise has been arrived at on the following terms and conditions :—

Terms and Conditions

- (i) That the case of S/Shri Kanhaiya, Ex. Pipe Mazdoor, Bhola Ram, Ex. Miner, and Mustakim, Ex. Miner the workmen in this reference will not be reviewed since they have been dismissed for assaulting Sri D. N. Abrol.
- (ii) The concerned 8 (Eight) workmen namely S/Sri Suresh Prasad, Ali Kalam, Rammoly, Upendra Singh, Rajmuni Saw, Sriram Harijan, Atique Khan, and Md. Muslim, would be re-instated in service without any back wages or monetary benefits for the period of dismissal to the date of their reporting on duty.
- (iii) The period from the date of their dismissal till they join their duty will be considered as if they were on leave with or without wages as the case may be.
- (iv) The intervening period will be treated as "dies-non".
- (v) The concerned workmen after re-instatement would be provided the job in any of the Collieries of Tisco including West Bokaro but not in Digwadih Colliery. The management shall decide their placement in different Collieries.
- (vi) That the workmen would be taken back in employment after their compromise petition is recorded by the Honourable Tribunal.
- (vii) That the workmen have agreed that they will behave properly in future which has also been endorsed by the Union.

5. That the parties will bear their own cost.

6. That the terms of this settlement are fair and proper. Under the above circumstances, the Parties pray that an Award be passed in terms of the above settlement and the Reference pending before the Honourable Tribunal concerning the 10 concerned workmen be treated as closed and withdrawn, and for this, the petitioners shall ever be grateful. Signed on this day of 1986.
For Workmen :

(H. K. Sahay)
(Secretary)
Rashtriya Colliery Mazdoor Sangh
Digwadih Branch.

1. (Suresh Prasad)
2. (Ali Kalam)
3. (Ramoloy)
4. (Upendra Singh)
5. (Rajmuni Saw)
6. (Sri Ram Harijan)
8. (Atique Khan)
8. (Md. Muslim)
9. (Washim Ahmad)
10. (Shah Nawaj Khan)

The concerned workmen

For Management :

(S. N. Sinha)

Asst. Chief Personnel Manager (C)

(P. Akhaury)

Asst. Chief Personnel Manager

Witnesses :—

1. Sri Nand Lal Singh
President, R.C.M.S., Digwadih Branch.2. S. K. Tripathi
Personnel Officer.

Dated : 15-7-1986.

का. अ. 2973.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारत कोकिंग कोल लि. की केशुरगढ़ कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाट को प्रभावित करती जो केन्द्रीय सरकार को 29-7-1986 को प्राप्त हुआ था।

S.O 2973.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kessurgarh Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 29th July, 1986.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD
Reference No. 90 of 1985

In the matter of industrial disputes under Section 10(1)(d) of the I. D. Act., 1947.

PARTIES :

Employers in relation to the management of Kessurgarh Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri B. K. Ghose, Member, Executive Committee, Janta Mazdoor Sangh.

On behalf of the employers.—Shri B. Josh, Advocate.

STATE : Bihar, INDUSTRY : Coal.
Dhanbad, the 23rd July, 1986

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(65)85-D.III(A), dated, the June, 1985.

SCHEDULE

"Whether the demand of Janta Mazdoor Sangh that the management of Kessurgarh Colliery of Messrs. Bharat Coking Coal Limited should provide employment to Smt. Chandeshwari Devi in accordance with the Bharat Coking Coal Limited Circular dated 4-8-1980 is justified? If so, to what relief is she entitled?"

The case of the workmen is that the concerned workman Smt Chandeshwari Devi was employed as

a casual wagon loader at Kessurgarh Colliery since before the take over of the coal mines. During the emergency period of 1976 she was stopped from working along with many other casual wagon loaders without assigning any reason or notice. In August, 1980 the management's action of stopping/delisted the casual wagon loaders in 1976 was reviewed and thereafter more than 100 such casual wagon loaders were reinstated in employment under the management's revised policy. But the case of the concerned workman was not considered. Several representations were made by the concerned workman but the same was not entertained by the management. An industrial dispute was raised on behalf of the concerned workman before the ALC(C), Dhanbad where the management denied employer employee relationship between the concerned workman and the management. In spite of ALC(C)'s instructions the management did not file Form E attendance Register and the man power list prepared by the management at the initial period. The Janta Mazdoor Sangh has claimed for providing employment to the concerned workman in accordance with the revised policy of the management as per circular dated 4-8-80. According to the said circular the concerned workman is entitled to reinstatement as casual wagon loader and a prayer has been made for passing an Award in favour of the concerned workman.

The case of the management is that the present case is belated one as the dispute has been raised after a period of about 9 years. The name of the concerned workman does not appear in Form B and identity card register of casual wagon loaders of the colliery and as such she was not a casual wagon loader of the colliery and her name does not appear in the list of casual wagon loaders. At the initial stage after take over there used to be difficulties in getting the wagons allotted because of erratic supply of wagons. On some days a large number of wagons used to be placed at the siding for loading coal whereas on other days there used to be less number of wagons placed at the siding. This necessitated engagement of permanent casual and delisted casual wagon loaders. The delisted casual wagon loaders were those workmen whose names did not occur in Form B and identity card register. The names of casual wagon loaders were entered in those registers. The names of delisted casual wagon loader can only be found in payment register and Bonus Register of 1973 to 1976. In course of time from 1973 to 1976 the Collieries were amalgamated and bigger units were formed and adjustments were effected between different sidings so as to ensure regular engagement of permanent and casual wagon loaders and regular supply of wagons. Thereafter there was no need of engaging delisted casual wagon loader. The management formulated a policy in the year 1980 and issued a circular dated 4-8-80. A list was prepared of Miner/loaders out of the delisted casual wagon loader according to the procedures prescribed in the circular. Accordingly a list of such workmen were prepared in respect of all the collieries and in some cases the list were finalised after entering into settlement with the union. Thereafter there was no further scope of enrolment of delisted casual as miner/loaders. A lady bearing the name of the concerned workman

was not found eligible for enrolment as per circular and her name was not included. The concerned workman is not a genuine delisted casual wagon loader. The relevant circular is not applicable in the case of the concerned workman and she cannot claim any relief under the circular.

The only question to be determined in this case is whether the concerned workman Smt. Chandeshwari Devi can be provided employment in accordance with the circular dated 4-8-80.

The concerned workmen have examined four witnesses and the management have examined one witness in support of their respective case. The workmen's documents have been marked Ext. W-1 to W-3 and the management's documents have been marked Ext. M-1 to M-4.

It will appear from the pleadings of the parties that the claim of the concerned lady is based on the circular dated 4-8-80. The schedule of the order of reference has clearly indicated as to whether the concerned lady is entitled to be provided with employment on the basis of the circular dated 4-8-80. It is therefore of importance to see as to what is contained in the circular dated 4-8-80. The said circular is marked Ext. M-1 in this case the subject matter of which is deployment of Badli loaders. It will appear from the said circular that there was great absenteeism in the category of miners/loaders as a result of which production was greatly suffering and the management thought of taking necessary effective steps to ensure that the production does not suffer on account of absenteeism of miners/loaders. It will further appear that the matter was discussed with the members of the Central Trade union organisations and the consensus arrived at by them was that the management may deploy badli loader in place of permanent miners/loaders who were temporarily absent for one reason or the other. The employment of badli loaders was to be made only for the duration the position of availability of miner/loaders is not improved. It is further stated that the management cannot take responsibilities with regard to deployment of badli loaders on regular basis and that they will have no claim whatsoever with regard to their employment. It was decided by the management that they may take in employment as badli loaders such of the delisted casual wagon loaders who had put in 75 days or more attendance during the period of 1973 to 1976. A list of badli workers was to be prepared with a view to ensure that badli loaders are deployed when the work is available. In order to attract the circular dated 4-8-80 it was necessary that a delisted casual wagon loader must have put in 75 days or more attendance during the period 1973 to 1976 and if the delisted casual wagon loaders had 75 days of attendance they were to be employed as Badli loaders. So far 75 days of attendance of the concerned lady is concerned we have evidence of the concerned lady WW-1. She is supported by WW-2 Jagdish Rabidas who was also working as casual wagon loader since the time of the erstwhile management. WW-2 has stated that the concerned lady was working along with him and he has also identified her photograph on Ext. W-1. Ext. W-3 is a certificate to show that the concerned lady was working as a wagon loader at Kessurgarh Colliery during the period October 1972 to 1976 and that she was removed from service in 1976 as she was a casual wagon loader. In his cross-exami-

nation he has stated that he was employed as a casual wagon loader in 1980. He does not know about the circular of 1980. WW-3 Shri P. N. Singh was working as an Overman in the quarry at Kessurgarh Colliery during the year 1975-76. He had seen the concerned lady working as Over Burden Remover in the quarry at Kessurgarh Colliery in 1975-76 and he had also signed on the certificate Ext. W-3 and his signature is specifically marked as Ext. W-2. The management did not cross-examine this witness. WW-4 Satyanarayan Pandey was working as Attendance clerk in Kessurgarh Colliery and he was maintaining the attendance of wagon loaders. He has identified the concerned lady and has stated that she used to work as casual wagon loader and he had maintained her attendance from March 1973 to December 1973. It appears that thereafter he was maintaining attendance of another incline and as such he was unable to say about the attendance of the concerned lady. He has stated that he had also signed on the certificate Ext. W-3. In his cross-examination he has stated that the wagons were not placed regularly for loading of coal and placement of wagons were irregular and at intervals and when there was requirement of more wagon loaders the casual wagon loaders were called for loading of coal. According to him there were some listed casual wagon loaders and there were some unlisted casual wagon loaders and the casual wagon loaders used to get identity card and they used to be made permanent after completion of 240 days of attendance in a year. The delisted casual wagon loaders were completely stopped as there was no requirement. The management has not examined any witness to show that the concerned lady had not worked as a casual wagon loader in Kessurgarh colliery. The management did not produce any paper to show that the concerned lady had not worked as casual wagon loader in Kessurgarh Colliery on the plea that those papers were not available. The evidence of the workmen on the other hand is positive to show that the concerned lady had worked as casual wagon loader from 1972 to 1976. As there is no evidence adduced on behalf of the management denying 75 days of attendance of the concerned lady between the year 1973 to 1976 and there is positive evidence of the witness examined on behalf of the workmen that the concerned lady had worked for more than 75 days during the year 1973 to 1976, I hold that the concerned lady had put in more than 75 days of attendance as casual wagon loaders in Kessurgarh Colliery during the year 1973 to 1976.

The next question to be determined in this case is whether the concerned lady could get advantage of the circular Ext. M-1. As I have analysed Ext. M-1 details above it will appear that the delisted casual wagon loaders completing 75 days of attendance during the period 1973 to 1976 were to be employed, as a badli loader for the deployment in place of permanent miners/loaders temporarily absenting for some reason. The circular Ext. M-1 does not show that the employment of the badli loaders, under the circular Ext. M-1 was to be made as a casual wagon loader and as such I do not think that the circular can be taken advantage by any delisted casual wagon loader for being deployed as casual wagon loader. The Mines Act and its provision prohibit the engagement of a lady for working in the underground. The work of Miners/loaders is confined to the underground

mine and as such a lady workman cannot be deployed as a miner/loader in the Mines. The concerned lady being a woman, therefore, cannot take advantage of the circular for being listed as a badli loader for deployment in the absence of permanent miners/loaders. MW-1 Shri Kulwant Singh is working as Agent of Kessurgarh Colliery since September, 1980. He has clearly stated that after the circular dated 4-8-80 no female workman was taken as badli miner/loader and that no female worker can be employed as miner/loader. In cross-examination he has no doubt stated that there was no bar of female being employed in the quarries but there is no manual quarry in Kessurgarh colliery. Thus the evidence of MW-1 also shows that the concerned lady could not be taken as a badli loader in accordance with the circular dated 4-8-80.

Thus taking the entire matter into consideration, I hold that the concerned lady cannot have advantage of the circular dated 4-8-80 and that she cannot claim employment in accordance with the said circular.

In the result, I hold that the demand of Janta Mazdoor Sangh that the management of Kessurgarh Colliery of M/s. B.C.C. Ltd. should provide employment to the concerned lady Smt. Chandeshwari Devi in accordance with the BCCL circular dated 4-8-80 is not justified and the concerned lady is entitled to no relief.

This is my Award.
Dated 23-7-86

I. N. SINHA, Presiding Officer
[No. L-20012/65/85-D.III.A]
A. V. S. SARMA, Desk Officer

नई दिल्ली, 7 अगस्त, 1986

का. प्रा. 2974.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, ईस्टर्न कोल-फील्ड्स लिमिटेड की राखिकोल कोलरी, कान्हा प्रियाजिन्हा छिन्दवाड़ा (म.प्र.) के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, प्रमुख में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-86 को प्राप्त हुआ था।

New Delhi, the 7th August, 1986

S.O. 2974.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Rakhikol Colliery of Western Coalfields Limited Kanhan Area, Distt. Chhindwara (M.P.) and their workmen, which was received by the Central Government on the 30th July, 1986.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—

CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(30)/1982

PARTIES :

Employers in relation to the management of M/s. Rakhikol Colliery of Western Coalfields Limited, Kanhan Area, Post Office Dungaria, District Chhindwara (M.P.) and their workman S/Shri P. S. Bhattacharya, Assistant Surveyor, K. L. Malviya, Clerk and Gaffar Khan, Lamp Issuer and S/Shri Narayan Driller and Sheopujan, Tub-loader represented through the General Secretary, M.P. Khadan

Mazdoor Union (Laljhanda) Head Office Gudi Ambara, Post Office Ambara, Distt. Chhindwara (M.P.).

APPEARANCES :

For Union—Shri B. D. Gupta, Advocate.

For Management.—Shri P. S. Nair, Advocate.

INDUSTRY : Coal. DISTRICT : Chhindwara (M.P.)

AWARD

Dated July 23, 1986

This is a reference made by the Central Government vide Notification No. L-22012(19)/81-D.IV(D) Dated 22-4-1982 to this Tribunal for adjudication of an industrial dispute between the workmen and the management of Rakhikol Colliery of M/s. Western Coalfields Ltd. Kanhan Area, district Chhindwara.

2. Non-controversial facts of the case are that Shri P. S. Bhattacharya, Assistant Surveyor, Shri K. L. Malviya, Clerk, Shri Gaffar Khan, Lamp Issuer, Shri Narayan Driller and Shri Sheopujan, Tub-loader were employed in the Rakhikol Colliery of Western Coalfields Limited, Kanhan Area. There were certain demands of the workmen regarding drinking water, street light and housing etc. The workers of the Colliery went on strike from 16-4-1979 to 28-4-1979. The allegation of the management was that during strike they blocked the road, paralysed the transport of coal and material and threatened the willing workers from going on duty. Since necessary notice of 14 days as required under the Industrial Disputes Act was not given. Assistant Labour Commissioner (Central) Chhindwara issued a show cause notice why action should not be taken. The management also obtained an adinterim injunction from the Civil Court, Chhindwara. The matter was reported to the police. These workmen and some others were prosecuted by police for an offence under Sec. 341/34 I.P.C. However they were acquitted by the Trial Court.

3. The management charge-sheeted only certain of the workman belonging to Lal Jhanda Union. Charges against Shri P. S. Bhattacharya, Shri K. L. Malviya and Shri Gaffar Khan were for breach of Clause 17(1) of the Standing Orders which are as under :—

1. Causing wilful damage to work in progress or to property of the employer.
2. Any breach of the Mines Act 1952 or any other Act or any Rules Regulations or Bye-laws thereunder or any Standing Order.
3. Preaching of or inciting to violence.

Charges against Shri Narayan and Sheopujan were under Cl. 18(1) of the Standing Orders as under :—

Stoppage of work of the Company in progress. (Kampani Ke Kam Ki Unnati Mey Rukawat Dalna).

The Enquiry Officer and the Disciplinary Authority found charges proved. As such Shri P. S. Bhattacharya, Shri K. L. Malviya and Shri Gaffar Khan were dismissed from service. Shri Naryan and Shri Shivpujan were demoted. However, in the case of Sheopujan a dispute was raised and it was admitted in conciliation. After protracted discussion the following amicable settlement was arrived at on 25-1-1982:—

Terms of Settlement

1. It is agreed by the management that Shri Sheopujan S/o Chhabilal will be taken back as Tub-loader at Mohan Colliery w.e.f. 29-1-82.
2. It is agreed by the parties that the workman or the union will not raise any dispute on this issue on any forum in future.
3. It is agreed that the union will not cite this as an example in other cases in future as this has been done to maintain better industrial relations.
4. The parties agree to submit their implementation report separately to the ALC(C), Chhindwara by 10-2-1982 failing which the settlement will be deemed to have been implemented.

However, proceedings against Shri Ramdeo were dropped.

4. The workmen Shri P. S. Bhattacharya, Shri K. L. Malviya and Shri Gaffar Khan, Shri Narayan and Shri Sheopujan had raised a dispute and the Central Government by Notification dated 22-4-1982 referred the following Schedule for consideration of this Tribunal :-

"Whether the action of the management Rakhikol Colliery of Western Coalfields Limited, Kanhan Area in dismissing S/Shri P. S. Bhattacharya, Assistant Surveyor, K. L. Malviya, Clerk and Gaffar Khan, Lamp Issuer and demoting S/Shri Narayan Driller and Sheopujan, Tub-loader is justified? If not, to what relief the above workmen are entitled?"

5. In the course of trial in this Tribunal learned Counsel for the parties on 29-9-1984 stated that the domestic enquiry is vitiated by various defects and the parties desired that the matter be now tried before this Tribunal. My learned predecessor accepted their admission and quashed the domestic enquiry and directed the parties to lead evidence before this Tribunal.

6. Thereafter parties have led evidence before this Tribunal. The workmen have challenged their punishment on various grounds. Management, however, tried to justify the action. I will take their appropriate contention at the proper stage.

7. My learned predecessor framed the following issues in respect of different workman which are as under :-

ISSUES

Shri P. S. Bhattacharya:

1. Whether Shri P. S. Bhattacharya is a workman within the meaning of Sec. 2(a) of the I.D. Act and has this Tribunal jurisdiction to adjudicate upon this dispute?

2. Whether the domestic enquiry held against the workman, Shri P. S. Bhattacharya was proper and valid and was held in accordance with the principles of natural justice?

(Enquiry vitiated as per admission of the parties on 29-9-1984 before this Tribunal)

3. (a) Whether the punishment awarded to the workman is not proportionate to the guilt found proved against the workman?

(b) Whether the management was justified in dismissing Shri Bhattacharya from service?

S/Shri K. L. Malviya & Gaffar Khan :

1. Whether the domestic enquiry held against the workman S/Shri K. L. Malviya and Gaffar Khan was proper and valid and was held in accordance with the principles of natural justice?

(Enquiry vitiated as per admission of the parties on 29-9-1984 before this Tribunal)

2. (a) Whether the punishment awarded to the workmen is not proportionate to the guilt found proved against the workman?

(b) Whether the management was justified in dismissing Shri K. L. Malviya and Shri Gaffar Khan from service?

Shri Narayan :

1. Whether the domestic enquiry held against the workman Narayan was proper and valid and was held in accordance with the principles of natural justice?

(Vitiated vide order dated 29-9-1984).

2. Whether the punishment of demotion awarded to the workman is proper and just?

Shri Sheopujan :

1. Whether the dispute referred to can be adjudicated upon in respect of Sheopujan in view of the settlement arrived at during the conciliation proceedings?

2. Whether in view of the settlement arrived at before the Conciliation Officer is the workman, Sheopujan, entitled to the wages and allowances of the intervening period from the date of suspension to the date of settlement i.e. from 30-6-1982 to 29-1-1982. If so, to what extent?

Findings with reasons on merit:-

8. Issues No. 3(a) & (b) (Shri P. S. Bhattacharya) Issue No. 2(a) & (b) (S/Shri K. L. Malviya & Gaffar Khan) Issue No. 2 (Shri Narayan).

Before I take up the various contention of the parties it is proper that I take up the evidence first. Burden was on the management to prove the charges before this Tribunal. In support of their case besides the various Enquiry Officers who conducted the enquiry against these workmen management examined Shri Surendra Jacob (M.W.1), Shri Keshav Rao (M.W.2), Shri Gend Lal (M.W.3), Shri Yakub Khan (M.W.4), Shri Sunder Lal (M.W.5), Shri Diwan Chand (M.W.6) and Shri V. S. Thakur, Asstt. Manager (M.W.7). Excepting Shri V. S. Thakur (M.W.7) rest of the witnesses were also examined in the domestic enquiry and they are admittedly members of rival union i.e. INTUC. On behalf of the workmen it has therefore been contended that their statements are tainted therefore they be scrutinised very minutely.

9. Surendra Jacob (M.K. 1) has stated that he was required to take the material from incline no. 31, 32 to incline no. 25, 26. There was a strike in incline no. 29-30. He started from the General Office at 10 a.m. in the month of April 1979. He was taking the ballies in the truck, Shri Narayan and Shri Sheonandan (Sheopujan) and others stopped him and they said that the truck cannot proceed since they are on strike. They had blocked the road. He left the vehicles there and reported to the Manager at about 4 p.m. vide Ex. M/1. In his cross examination he has admitted that he was required to take the material from incline no. 31-32 to 25-26. When they proceeded from General Office to Incline no. 29-30 the Incline no. 31-32 would fall about a kilometer before and incline no. 25-26 are in the opposite direction about a kilometer away from the General office. He has also admitted that while proceeding to from incline no. 31-32 to incline no. 25-26 then incline no. 29-30 would not fall in direct way. This goes to show that in fact he was not required to go at all to the place where road was blocked. Therefore he is telling lies about the obstruction and blockade. This is also apparent from his further admission that he does not know anything about the working in incline no. 29-30 on that date.

10. He asserts that his report was written by the Conductor, Kuber. While in the domestic enquiry he had stated that the report was written on the next date by Gulsiram when Shri Rajeshwar asked him to do so. This further goes to show that he has no respect for truth and he is implicating two of the applicants Narayan and Sheopujan on account of union rivalry firstly and secondly that he admits that he was favoured by the management by transferring him from Rakhikol to Datta a place of shorter distance.

11. Next witness is Keshav Rao (MW-2). He has stated that on 16-4-1979 on receipt of information he went to the spot and found that road was blocked by logs and boulders. He asked Gend Lal to remove the same but Gend Lal was prevented by Sheopujan, Ramdeo and Narayan. The road was blocked by Ramdeo, Sheopujan and Narayan and 20 to 25 others for ten days. He has admitted like Surendra Jacob that he is a member of INTUC while these applicants belong to Lal Bhandu Union. Thus this witness is also highly interested person. In his cross-examination he has admitted that the report Ex. M2 lodged by him does not mention the name of Narayan. He had also not named him in the statement before the Enquiry Officer. He has also admitted that in his report Ex. M-2 name of Ramamuthi has been scored out and instead name of Sheopujan was inserted. He has stated that blockade of spot was not visible from the office of the colliery. But in his report Ex. M-2 portion marked B to B he had admitted to the contrary. He has further stated

that on the relevant date he was working as Attendance Clerk perhaps to justify his going to the spot, but he denies that he was working as Despatch Clerk. When he was confronted with his duty chart which is signed by the Manager he is shown to be working as a Despatch Clerk. It is not the duty of a Despatch Clerk to go to the spot.

12. Gend Lal (MW-3) has also admitted that on the relevant date Keshav Rao and he found that the road was blocked about 150 yards from the office. When he tried to remove the obstruction Ramdeo, Sheopujan and Narayan did not allow him to remove the blockade of boulders. Sheopujan caught his hand and told him not to remove the blockade of boulders. In his cross-examination he has admitted that he had not named Narayan in his domestic enquiry statement. I thus find that at least two of these witnesses had not named Narayan and he is being implicated falsely. It appears that name of Sheopujan was also subsequently added. This witness has made a fatal admission. According to him, he was told that he must try to say what he had stated earlier in the departmental enquiry. Thus this witness is not only a liar but he is also a tutored witness.

13. MW-4 Yakub Khan has stated that in April 1979, he was working in Incline No. 29-30. About 25 yards from the Lamp Room road was blocked by Sheopujan, Ramdeo and others. Narayan and Srivastava were preventing the workers from going on duty. Bansil, Rashid and Ishwar Singh were preventing the workers. It is pertinent to note that none of these last mentioned person have been dealt with departmentally and in fact domestic enquiry against Ramdeo was dropped and the matter was compromised with Sheopujan. Thus there is discrimination. This witness is also highly interested witness being a member of INTUC and he was promoted after his departmental enquiry. In his cross-examination this witness has stated that report Ex. M-3 was lodged by him 2-3 days after the incident and the management had endorsed it. This report Ex. M-3 neither bears any date nor there is any endorsement of the management. He states that on that date he was not working as a Turner who was required to work in the Workshop. But he was confronted with his duty chart document Ex. W-1 and Ex. W-2 where he was shown to be working as Turner. This shows that in order to show his presence on the scene of occurrence he is falsely stating that he was not working as a Turner who is required to work in the workshop.

14. The President of the INTUC Union, Shri Sunder Lal (MW-5) has stated that in April 1979 he was on duty in Rakhil Colliery when Bhattacharya, Narayan, Gaffar, Malviya, Sheopujan and others had blocked the road by hoisting Red Flag. They were preventing people from going on duty with sticks in their hands. He reported the matter vide Ex. M-4. This witness is also a highly interested witness and he has been favoured by transfer of his son to a convenient posting. In his cross-examination he has admitted that in his report Ex. M-4 he has not mentioned that he had been prevented from going to the mine. In his cross-examination he has admitted that he was not there so he cannot say who had gone to work and who had not. This goes to show that he was not on the spot. He is only siding the management. In his cross-examination he has further admitted that he was told in the colliery what he had to depose. This goes to show that he is a tutored witness.

15. Next witness is Divan Chand (MW-6). He has stated that in April 1979 there was strike in Incline No. 29-30. On 16-4-1979 Narayan, Bhattacharya, Gaffar, Malviya, Ramdeo and Sheopujan had placed logs and boulders on the road and they were stopping workers from going to their duties. This witness has also admitted that was the Attendance Clerk and Keshav Babu was a Despatch Clerk on that date. He is also a highly interested witness since he is a member of INTUC and he was promoted after he gave the statement in the departmental enquiry. In his cross-examination he has admitted that he had not mentioned the names of any person in the statement before the Enquiry Officer. He had also not given any complaint in writing. Thus from his statement participation of these workmen in the blockade or stoppage of work is not proved.

16. Lastly is the statement of Shri V. S. Thakur, Asst. Manager of Rakhil Colliery who was not examined in the

departmental enquiry. Thus his evidence appears to be an after thought in order to fill up the lacuna. He has stated that on 17th April 1979 at about 9 a.m. he had gone to mines about 5 Kms. away and found that the road was blocked by putting logs, stones and red flag, but nobody was present there. He asked his Assistant Shri Gend Lal to make enquiry. He came there and reported that some miscreants have assembled at the back of the buiment who have created the blockade and they are stopping the movement of the coal. This goes to show that he had not seen any particular person blocking the road or obstructing the workers. He has further stated that along with Shri Ghosh he went to the other mine. There he met Mr. Narayan, the then President of the red flag union who told him that this makes the management to hear their demand. The police and security force were called. They tried to remove the obstruction but Shri Narayan, Gaffar, Rashid, Ramdeo and Bindeshwari obstructed them. In his cross-examination he has stated that about 25 persons had obstructed the police. It is pertinent to note that these 25 persons including Rashid, Ramdeo and Bindeshwari were not dealt departmentally.

17. Some of his admissions in his cross-examination are pertinent. He has admitted that charges against Ramdeo were dropped but he cannot say whether they were dropped because he has changed union but he continued to work while others were dismissed. He admitted the domestic enquiry papers of Ramdeo Ex. W/7 to Ex. W/10. He has also admitted that he came to know that Ramdeo had left the Red Flag joined the INTUC.

18. From the above evidence I find that Surendra Jacob (MW. 1), Keshav Rao (MW 2), Gend Lal (MW.3), Yakub Khan (MW. 4) had named only certain workmen viz. Narayan, Sheopujan and Ramdeo (Preceding against Ramdeo were dropped) and Sheopujan case was compromised and Narayan was not named earlier by them. So their statement also become worthless. I also find that these workmen were kept suspended for number of months without completing the domestic enquiry which is contrary to the provisions of the Standing Orders. This and the evidence discussed above goes to show that they have been victimised and discriminated. Most of the workers who had gone on strike were left off and proceedings against some were dropped and compromised. Only chosen few have been dealt with and punished departmentally. Even they have been acquitted by the criminal Court on part of the charges. I also find that the charges are vague and no specific date, time & individual acts have been mentioned.

18a. On behalf of the workmen Ishwar Singh (W.W. 2), Radhey Lal (W.W. 3), Bidhu (W.W. 4), Rameshram (W.W. 5), P. S. Bhattacharya (W.W. 6), Gaffar Khan (W.W. 7), K. L. Malviya (W.W. 8) and Narayan (W.W. 9) are examined.

19. Ishwar Singh (W.W. 2) had stated that he joined the strike of his own. Nobody persuaded him. Same is the statement of Raja Ram (W.W. 5). Ishwar Singh (W.W. 2) has admitted that he had given the statement in the District Court, Chhindwara on behalf of the Union. Management has also filed and relied certified copy of the injunction order of the Civil Court. Simply because Civil Court has issued an injunction it does not prove the participation in the strike by the present workmen. Statement of Radhe Lal (W.W. 2) and Raja Ram (W.W. 5) have been challenged on the ground that they were not examined in the enquiry. What he has stated is that though there was strike but he worked during that period. Nobody obstructed him. It is not the case of the management that all the workmen had participated in the strike.

20. Bidhu (W.W. 4) has stated that he had seen Narayan about 5 Kms. away from the mines on 16-4-1979. This statement in my mind is neither for or against him.

21. Four workmen examined have stated that the management has examined the members of INTUC only. Members of the Lal Bhand Union were alone victimised Ramdeo on the advice of the management joined the INTUC Union. Therefore charges against him were dropped. They refused to join hence they were punished. They have also stated that they were on peaceful strike because the Manager has

refused to concede their demands. They did not damage any property or committed violation of any law.

22. The fact that they were victimised and discriminated, as I have already held, is proved from the management's evidence itself. They may not have taken this stand in the course of the domestic enquiry so as to not further antagonize the management.

23. For the reasons discussed above I find that the charges against the workmen are not proved and their dismissal and demotion is not justified.

24. Issue No. 1 (Relating to Shri P. S. Bhattacharya)

On behalf of the management it has been contended that Bhattacharya was Assistant Surveyor therefore he is not a workman within the meaning of Sec. 2(5) of the I. D. Act. But no evidence is led to prove nature of his work for the purpose of this contention. Hence this issue is decided against the management.

25. Issue No. 1 & 2 (Relating to Shri Sheopujan)

Admittedly case against Sheopujan was compromised perhaps before this reference was made on 22-4-1982. In this connection clause of the settlement reproduced below is pertinent :—

"1. It is agreed by the management that Shri Sheopujan Sio Chabilal will be taken back as tub loader at Mohan Colliery w.e.f. 29-1-82.

2. It is agreed by the parties that the workman or the union will not raise any dispute on this on any forum in future."

In view of this settlement the reference becomes infructuous and the workman, Sheopujan, cannot raise any dispute and demand wages and allowances for the period of suspension. In fact in view of this settlement he cannot claim any back wages also. I hold and decide the issues accordingly.

26. In view of my findings above I answer the reference as under :—

That the action of the management of Rakhikol Colliery of Western Coalfields Limited, Kanhan Area in dismissing S/Shri P. S. Bhattacharya, Assistant Surveyor, K. L. Malviya, Clerk and Gaffar Khan Lamp Issuer and demoting Shri Narayan Driller is not justified.

27. On the question of their reinstatement management has contended that looking to the act of these workmen the management has lost confidence on them. Therefore they should not be reinstated. I find that firstly charges levelled against them are not proved. Secondly the management has led no further evidence to prove that if they are reinstated they will disturb the industrial peace. Thirdly the management has already taken back in service Shri Sheopujan and did not proceed in the domestic enquiry some of the workmen against whom allegations were the same as against these workmen. I am therefore of the view that plea of loss of confidence is without basis and that they are entitled to reinstatement.

28. As far as the case of Sheopujan, Tub-loader, is concerned he has been reappointed in view of the settlement. Therefore his case will be governed by the settlement.

29. Question now remain as to what relief these workmen are entitled. I have already discussed the case of Sheopujan and he has been already reappointed and in view of the settlement he is not entitled to back wages or wages and allowance for the suspension period.

30. As far as S/Shri P. S. Bhattacharya, K. L. Malviya and Gaffar Khan is concerned, their dismissal is set aside and they are directed to be reinstated from the date of their dismissal i.e. 30-6-1981. Similarly the demotion order of Shri Narayan is hereby set aside and he be reinstated on his original post of Driller with effect from the date of demotion.

31. It is accordingly ordered that the workman S/Shri P. S. Bhattacharya, Assistant Surveyor, K. L. Malviya, Clerk and Gaffar Khan Lamp Issuer shall be reinstated on their original post with effect from 30-6-1981 and they shall be entitled to back wages and all other ancillary benefits with effect from that date. Shri Narayan Driller shall be reinstated on his original post with effect from 29-6-1981, i.e. the date of demotion and he shall also be entitled to the wages of Driller from that date with all other ancillary benefits. The management shall further pay Rs. 1000/- as costs to the Union which sponsored this dispute.

DI. 23-7-86

V. S. YADAV, Presiding Officer
[No. L-22012/1981-D.IV.(B)]
V. K. SHARMA, Desk Officer

